

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 322

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Wednesday, December 10, 2008

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Mercredi, le 10 décembre 2008

Appearances/Comparutions

| | |
|---|---|
| Mr. Peter Engelmann | Lead Commission Counsel |
| Ms. Brigitte Beaulne | Registrar |
| Mr. John E. Callaghan | Cornwall Community Police Service and Cornwall Police Service Board |
| Mr. Neil Kozloff Ms. Diane Lahaie | Ontario Provincial Police |
| Mr. David Rose | Ontario Ministry of Community and Correctional Services and Adult Community Corrections |
| Mr. Darrell Kloeze | Attorney General for Ontario |
| Mr. Peter Chisholm | The Children's Aid Society of the United Counties |
| Ms. Helen Daley | Citizens for Community Renewal |
| Mr. Dallas Lee | Victims' Group |
| Mr. Michael Neville | The Estate of Ken Seguin and Doug Seguin and Father Charles MacDougald |
| M ^e Danielle Robitaille | Mr. Jacques Leduc |
| Mr. William Carroll Mr. Mark Wallace | Ontario Provincial Police Association |
| Mr. Frank T. Horn | Coalition for Action |
| Mr. Larry O'Brien | Mr. Randy Millar |
| Mr. Pat Hall | |

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1 --- Upon commencing at 10:34 a.m./

2 L'audience débute à 10h34

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude, Commissioner, presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Before we
10 begin, I would like to -- Mr. Engelmann, did you have any
11 other comments?

12 **MR. ENGELMANN:** Sorry? I just had a couple
13 of housekeeping matters, sir, but I know you have something
14 first.

15 **THE COMMISSIONER:** Yes, okay. Fine, thank
16 you. Just sit back for a minute, Mr. Hall. Thank you very
17 much.

18 ---**SUBMISSIONS BY THE COMMISSIONER/REPRÉSENTATIONS PAR LE**
19 **COMMISSAIRE:**

20 **THE COMMISSIONER:** I want to give an update,
21 as it has been my practice throughout this Inquiry, to
22 provide updates on key milestones.

23 From inception, we have operated under the
24 principle of transparency and I intend to conclude as I
25 began with openness.

1 The end of evidentiary hearings in Phase 1
2 will be in the last week of January 2009. After that, the
3 parties have the opportunity to make both, Phase 1 and
4 Phase 2 oral and written submissions. Commission counsel
5 have been in discussion with counsel for the parties in
6 respect to the submissions process and they are informed
7 about the timing and technical requirements.

8 I think it is equally important that the
9 public understand what is involved and what to expect. So
10 I will take some time now to set out the details.

11 I will start with Phase 1. All parties with
12 standing that permits the making of submissions have been
13 invited to make both written and oral submissions. Parties
14 can decline to make either written or oral submissions.

15 Counsel have been requested to let
16 Commission counsel know if they intend to decline to make
17 submissions by mid-February. The days set aside for Phase
18 1 oral submissions by parties will be February 23rd, 24th,
19 25th and 26th of 2009. We will start at 9:30 each day,
20 weather permitting.

21 Written submissions by the parties will be
22 made public on February 23rd, 2009 by posting on our
23 website.

24 I have required parties to have an Executive
25 Summary of their submissions of no more than 10 pages in

1 length to facilitate public review.

2 The maximum period of time allocated to any
3 party for oral submissions is two hours. Some parties are
4 allocated less time based on their interests. It is
5 necessary to strictly follow the time allocations to
6 complete the submissions work in the time available. We
7 will post on our website the order for parties to make
8 their submissions in advance of the week of oral
9 submissions.

10 As I've discussed in the past, I view the
11 work of Phase 2, Healing and Reconciliation, to be
12 extremely important. As a result, I have chosen to set
13 aside one day for Phase 2 submissions separate from Phase
14 1, and I am requiring separate Phase 2 written submissions.
15 I think it is important to give focus and attention to
16 Phase 2 and not just tack it on at the end of submissions
17 on Phase 1.

18 February 27th, 2009 is dedicated to Phase 2
19 oral submissions starting at 9:30. The maximum submission
20 time allocated for any one party is 30 minutes.

21 Written submissions on Phase 2 will be made
22 public on February 24th, 2008 by being posted on our
23 website. As with Phase 1, those making Phase 2 submissions
24 are required to have an Executive Summary of up to 10 pages
25 to assist the public in understanding key points.

1 Members of the public may view both, Phase 1
2 and Phase 2 oral submissions via web cast. Members of the
3 public may also attend the submissions sessions to the
4 extent seating is available in the hearings room.
5 Simultaneous translation will be in place.

6 In Phase 1, only parties may make
7 submissions but in Phase 2, there's an opportunity for
8 anyone to make Phase 2 written submissions. Members of the
9 public are invited to make Phase 2 submissions in writing
10 no later than February 12th, 2009. The process for making
11 submissions will be posted on our website today. These
12 submissions will also inform my deliberations in developing
13 Phase 2 recommendations.

14 I would remind everyone that Commission
15 counsel do not make Phase 1 submissions neither do
16 Commission staff for my advisory panel make Phase 2
17 recommendations. In supporting me, their role will be to
18 review written submissions and to listen to oral
19 submissions, which I know they will do with great interest
20 and attention as we move to the important milestone in the
21 life of the Cornwall Public Inquiry.

22 As you know, the report is set to be
23 delivered on or before July 31st and it is my hope and
24 expectation at this point in time that that will be done.

25 Thank you.

1 Mr. Engelmann?

2 **MR. CALLAGHAN:** Mr. Commissioner?

3 **THE COMMISSIONER:** Yes.

4 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CALLAGHAN:

5 **MR. CALLAGHAN:** I was unaware you were going
6 to make that announcement this morning.

7 I had been in communication with your
8 counsel and actually, indeed, spoke with him yesterday
9 about wanting to make submission about extending the time
10 for the Cornwall police.

11 I mean, as you know, the Cornwall police
12 have had by far the most witnesses testify; have had by far
13 the most days in evidence and I had earlier written that it
14 would not -- we would not be able to do an adequate job in
15 two hours to present to you the oral submissions. We've
16 made note of course that the OPP, because they have the
17 OPPA, have actually three hours collectively. And I was
18 going to make those submissions to you. I know you weren't
19 expecting to hear this today, sir.

20 **THE COMMISSIONER:** No.

21 **MR. CALLAGHAN:** But I wasn't expecting your
22 submission and I actually had spoken to Commission counsel
23 yesterday about an appropriate time to make these
24 submissions.

25 **THE COMMISSIONER:** M'hm.

1 **MR. CALLAGHAN:** And I suppose we can park
2 this to discuss it unless, of course, your view is you
3 don't want to hear it, but I know that's not your way. So
4 I just wanted to raise it. I didn't want this time to go
5 past. And I'm not sure it is necessarily even have to be
6 raised this week or early in the New Year because obviously
7 that's not until the middle of February. We have got
8 plenty of time, but I did want to address it with you and I
9 didn't want you to be -- I did not -- I know you haven't
10 been privy to the communications.

11 **THE COMMISSIONER:** No, I didn't.

12 **MR. CALLAGHAN:** And that's proper. I just
13 wasn't aware that you were going to do that today, and
14 that's fair enough. I just thought I'd raise that. So
15 perhaps I can speak to Commission counsel about timing or I
16 can address you in a more formal basis, if that's
17 acceptable?

18 **THE COMMISSIONER:** That's fine, keeping in
19 mind that ---

20 **MR. CALLAGHAN:** You have constraints; I
21 know.

22 **THE COMMISSIONER:** I have constraints, but
23 no, but your written submissions have no limit to them.

24 **MR. CALLAGHAN:** I know.

25 **THE COMMISSIONER:** And they are there and

1 you have an Executive Summary. So I'm not -- I'm telling
2 you that I come to this conclusion, but I'm not stopping
3 you from making the inquiry.

4 **MR. CALLAGHAN:** And I know you're not. And
5 I recognise that we do have that, and we are trying to make
6 them fulsome. I mean everybody is under tight timelines
7 because we've lots to go on. We still have lots of
8 important people to prepare for, but I thought to
9 communicate all the issues relative to all the people I
10 represent, I would need more time, but I will address fully
11 that with Commission counsel and, if necessary, with you at
12 a later date if that's acceptable.

13 **THE COMMISSIONER:** That's fine.

14 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN :

15 **MR. ENGELMANN:** Mr. Callaghan and I did have
16 a brief discussion yesterday, sir, and he indicated he
17 might want to make some submissions in the New Year on this
18 point.

19 Mr. Commissioner, yesterday during the
20 cross-examination of Mr. Lee for the Victims' Group, ---

21 **THE COMMISSIONER:** Yes.

22 **MR. ENGELMANN:** --- he, I think, towards the
23 end of the day asked Mr. Hall some questions about single
24 sheets from the case assignment register and counsel for
25 the OPP has made copies of those full registers.

1 I think Mr. Hall has talked about this in
2 his evidence where you have -- and maybe we can just turn
3 to the exhibit for a minute so I can explain what I'm
4 dealing with.

5 It's Exhibit 2668; it's Document Number
6 702725. And Mr. Hall has spoken about the fact that some
7 of his assignments were individually based but some of them
8 were task based.

9 **THE COMMISSIONER:** M'hm.

10 **MR. ENGELMANN:** And that the assignments
11 would be listed on an assignment register which is the
12 document that I'm about to show him. But they are actually
13 single sheets of paper for many of these registry
14 assignments. Is that correct, Mr. Hall?

15 **MR. HALL:** Individual item, you mean? I
16 don't follow your question.

17 **MR. ENGELMANN:** What I mean is the -- you
18 have 2668 in front of you, sir?

19 **MR. HALL:** Yes, I do.

20 **MR. ENGELMANN:** Right. And so if we look at
21 -- you have a number of numbers from one until ---

22 **MR. HALL:** Yes. Well, they go ---

23 **MR. ENGELMANN:** --- one 'til over 1,000.

24 **MR. HALL:** --- to 1,064.

25 **MR. ENGELMANN:** Right. And all I'm saying,

1 sir, is you are aware that they are actual sheets of paper
2 that set out what those assignment tasks are?

3 **MR. HALL:** Yes.

4 **MR. ENGELMANN:** Yeah. And, sir, with your
5 permission, the OPP counsel have kindly photocopied three
6 copies for the registry. This is approximately 1,000
7 pages. There are several document numbers, but what I'm
8 hoping we could do is simply enter the actual assignments
9 as one exhibit.

10 **THE COMMISSIONER:** M'hm.

11 **MR. ENGELMANN:** And that's what I would
12 propose, sir. And that then would set out some of the work
13 that is attached to each of these various assignments.

14 **MR. HALL:** Yes.

15 **MR. ENGELMANN:** So Mr. Commissioner, the
16 Document Numbers are 702727, which is the bulk of them.
17 That's the first several hundred and then there's 702728,
18 702729, 702730, 702732, 702734, 702735, 702736, 702740,
19 702741 and 702743, and I don't recall, sir, if we had set
20 aside a -- I think we had set aside an exhibit number
21 for ---

22 **THE REGISTRAR:** Two-eight-three-six (2836).

23 **MR. ENGELMANN:** Two-eight-three-six (2836)?
24 If they could be entered globally as 2836?

25 **THE COMMISSIONER:** Certainly.

1 **MR. ENGELMANN:** It will require a
2 publication ban stamp, sir. There are several monikers
3 mentioned.

4 **THE COMMISSIONER:** M'hm.

5 **---EXHIBIT NO./PIÈCE NO P-2836:**

6 (702727 - 702728 - 702729 - 702730 -702732 -
7 702734 - 702735- 702736 - 702740- 702741 -
8 702743) - Case Manager's Assignment Register

9 **MR. ENGELMANN:** All right, that's my brief
10 intervention. I also ---

11 **THE COMMISSIONER:** Okay.

12 **MR. ENGELMANN:** --- wanted to tell you that
13 I know Mr. Callahan has spoken with many of his colleagues.
14 He needs to do his cross-examination today. So he's worked
15 out an arrangement with several of the other lawyers, so
16 that they can do that.

17 And as I understand the order, it's still
18 Mr. Horn first, from the Coalition, and then, I believe
19 it's Ministry of Corrections and/or CAS, I'm not sure which
20 one first and then it's the Ministry of the Attorney
21 General ---

22 **THE COMMISSIONER:** M'hm.

23 **MR. ENGELMANN:** --- and then it will be the
24 Cornwall Police Service. And they will be followed by, I
25 believe, Mr. Neville, and the Diocese, and I'm not sure

1 where Ms. Robitaille fits in, but in or around there.

2 **THE COMMISSIONER:** M'hm.

3 **MR. ENGELMANN:** Mr. Callahan has spoken to
4 counsel. As I understand it, they have an agreement, and
5 therefore, there's some change to your regular order, sir,
6 if that's acceptable.

7 **THE COMMISSIONER:** Well, Ms. Robitaille, for
8 your information, sir, stands as a rose amongst many
9 thorns.

10 **MR. ENGELMANN:** I concur.

11 (LAUGHTER/RIRES)

12 **MR. ENGELMANN:** I'll take my seat, sir.

13 **THE COMMISSIONER:** Thank you.

14 All right.

15 So, Mr. Horn?

16 **MR. HALL:** Mr. Commissioner?

17 **THE COMMISSIONER:** Yes, sir?

18 **MR. HALL:** No. I'm ready to go.

19 **THE COMMISSIONER:** So am I.

20 Good morning, Mr. Horn.

21 **MR. HORN:** Good morning.

22 **PAT HALL, Resumed/Sous le même serment:**

23 --- CROSS EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

24 **MR. HORN:**

25 **MR. HALL:** My name is Frank Horn. And I'm a

1 representative representing the Coalition for Action. And
2 we are representing a position in which we feel that when
3 these -- the revelations that took place back in the early
4 '90s, there was an attempt on the part of some of the
5 institutions to cover up these matters so that they would
6 never become public.

7 So our position has always been, from the
8 very beginning, that there was a -- there has been a
9 conspiracy to withhold information from the public so that
10 they wouldn't be aware of what was going on.

11 One of the matters that I was interested in
12 is the conversation that took place with C-16's mother and
13 it was done -- and there was a record of it by Constable
14 Dupuis.

15 MR. HORN: Yes.

16 MR. HALL: Is that right?

17 And he also told you about that, didn't he?

18 MR. HALL: I heard him mentioning it.

19 MR. HORN: He told you about it, so you were
20 aware of it, but you didn't make any record of it?

21 MR. HALL: No.

22 MR. HORN: Okay. And, also, the Crown, Ms.
23 Hallett, had the will say statement, didn't she?

24 MR. HALL: Which will say are you talking
25 about sir?

1 **MR. HORN:** I'm talking about Constable
2 Dunlop's will say.

3 **MR. HALL:** Yes.

4 **MR. HORN:** So the Crown had the will say
5 which contained information regarding that conversation?

6 **MR. HALL:** Yes.

7 **MR. HORN:** And you and Dupuis also had that
8 information?

9 **MR. HALL:** Well, we read the will say, at
10 least I did.

11 **MR. HORN:** And you were aware of it then?

12 **MR. HALL:** I was aware of it in two entries
13 in the will say, and three different locations in the
14 handwritten notes that Constable Dunlop provided on the 14th
15 of March 2000.

16 **MR. HORN:** Okay. So you would have been
17 then cognizant of the problems that could occur as a result
18 of that non-disclosure of information that was with the
19 Crown and also with the police?

20 **MR. HALL:** Well, in my view, there never was
21 a problem until the 7th of February 2001.

22 **MR. HORN:** There was a -- but our contention
23 is that you deliberately withheld that information that you
24 had because you knew there was going to be a problem.

25 **MR. HALL:** Well, you're -- you're wrong,

1 sir.

2 MR. HORN: You knew that the defence, if
3 they knew about it, that it would be -- it would
4 be -- cause a great deal of problems?

5 MR. HALL: Well, sir ---

6 MR. HORN: And it did cause a great deal of
7 problems; didn't it?

8 MR. HALL: Eventually, it did, but, if I can
9 just elaborate on that. When Constable Dunlop provided his
10 notes, 14th of March 2000, there was an urgency to get that
11 material to Ms. Hallett because of C-2 -- allegations of C-
12 2.

13 So we prepared a binder, volume 8, volume 9,
14 which went to Ms. Hallett very shortly thereafter; I would
15 say within a few days, a week.

16 Then, on the 10th of April, we received his
17 will say, a typed version of his will say, with four
18 binders of appendices, which I reviewed. I actually ---
19 the same day I got it, I took two hours in the evening to
20 read it over.

21 I instructed Constable Dupuis to make copies
22 of it for disclosure. Then, on the 17th of April, Ms.
23 Hallett attended. Actually, we were going to send it to
24 her, and I know Constable Dupuis had a conversation
25 somewhere around the 11th or 12th. She was coming down on

1 the Monday, so it wasn't practical to send it to her, when
2 she's coming down.

3 In any event, on the 17th, she receives her
4 copy, and there's some discussions about it, and, in
5 particular, I note to her that I have determined that, in
6 my view, Constable Dunlop had been tape-recording us.

7 And I referenced to the interview we had on
8 the 23rd of July '98, because that was -- there's only
9 really two interviews we had that I could tell that they
10 were lengthy in Constable Dunlop's notes, that one, in
11 particular.

12 So I said, "You've got to look at that." I
13 didn't specifically say C-16's mother's name, I just said,
14 "You should look at that," and it will show that what I was
15 believing was true, that he was tape-recording, because of
16 the length of the -- the entry.

17 So then we have court that day. She
18 indicates she wants to go and view the boxes, the nine
19 Banker's boxes which are at Cornwall police. We go to
20 court that day; we come back; and then we have an in-camera
21 court session the following day, the 18th of April.

22 She comes back; she wants to go over and see
23 the -- view the boxes, which she does. She goes with
24 Constable Genier and Constable Dupuis. And, in the course
25 of that going to Cornwall, she instructs them to bring the

1 boxes back. Constable Genier brings them back in his car,
2 and they're now at our office. And then ---

3 **MR. HORN:** Well, we'll narrow -- we want to
4 deal with the narrow ---

5 **MR. HALL:** Well, I'm ---

6 **MR. HORN:** -- issue in regards to the
7 statement that was made to -- made to -- no, not a
8 statement, but the conversation that took place, and that
9 information was in your ---

10 **MR. HALL:** Which conversation?

11 **MR. HORN:** --- you were aware of it, the
12 Crown was aware of it, and the allegation now is that it
13 was all of Dunlop's fault that this was not given to the
14 defence.

15 **MR. CARROLL:** It's my understanding, sir,
16 the ruling of the Court of Appeal was that there was no
17 intentional withholding. I didn't rise when he first posed
18 the question, but I think it's gone far enough now.

19 **THE COMMISSIONER:** Sir, how can we go behind
20 what the Court of Appeal -- is it the Court of Appeal
21 -- has said?

22 **MR. HORN:** I just want to clarify the
23 suggestions that have been made, that it was Mr. Dunlop who
24 was responsible for that information being withheld, when
25 the information was in the hands of the Crown and also in

1 the hands of the OPP.

2 And now Mr. Dunlop is the one that's being
3 blamed for causing the stay. And I'm suggesting to you
4 that it was not Mr. Dunlop that caused that stay; it was
5 information that was in your hands and in the hands of the
6 Crown that was not given to the defence, and that is what
7 caused all of the problems.

8 **THE COMMISSIONER:** Okay.

9 **MR. HALL:** Well ---

10 **THE COMMISSIONER:** Just a second. Just a
11 second.

12 With respect to Mr. Carroll's objection, I
13 think this line of questioning is okay, in the sense that
14 he's not saying that they wilfully -- you can't really say
15 that, but what you are saying is, "Look it, it went from
16 Dunlop over to you people and that's where the disclosure
17 problems continued."

18 **MR. HORN:** That's what I'm suggesting, is
19 that the -- I want to clarify, the suggestions that have
20 been made that it was Dunlop who was -- caused that stay,
21 when actually the information was in the hands of the OPP
22 and it was in the hands of the Crown. And if there was any
23 problem, it was caused by those two parties and not Mr.
24 Dunlop.

25 **MR. HALL:** Well, sir, the information you're

1 talking about, with Detective Constable Dupuis was obtained
2 on the 15th of June '98. He went to pick up videotape and
3 he was advised by C-16's mother that there had been a
4 telephone call. Okay?

5 So then on the 23rd of July '98, we're
6 meeting with Constable Dunlop at Cornwall police, not for
7 that reason. I'm trying to get binders, trying to find out
8 what information Mrs. Dunlop was saying that we didn't
9 have.

10 Anyway, Detective Inspector Smith mentions
11 that. Asked him, "in the context of victims, you're
12 contacting victims," okay; I don't make a note. He doesn't
13 make a note. So I'm meeting again on the 31st of July of
14 '98 and we're asked -- we're clearly asking for disclosure.

15 I think if you read even his notes on it, he
16 says that Neville and Edelson, who is Leduc's lawyer at the
17 time, are screaming for disclosure. And that's my words,
18 that's the words I used, because I'm trying to emphasize to
19 him we need his disclosure.

20 So, Mr. Horn, if Mr. Dunlop had given that
21 disclosure to us on the 31st of July '98, namely his
22 handwritten five entries, his two typed ones, although they
23 were in his notebook. They weren't typed at that time,
24 they only got typed when he was ordered back in -- later on
25 in 2000 -- if he'd given us that disclosure on that date,

1 it would have been in our briefs. It would have went to
2 defence counsel through Ms. Hallett.

3 Now, we've heard Ms. Hallett --

4 **MR. HORN:** That wasn't the way it was done,
5 was it, though?

6 **MR. HALL:** He didn't disclose it.

7 **MR. HORN:** You bypassed the Crown, didn't
8 you?

9 **MR. HALL:** Well, at that point, he didn't
10 make any disclosure. He didn't make his disclosure. So
11 that's why he comes and gave us, in -- on the 10th -- well,
12 actually, the 10th of April 2000, what he effectively could
13 have gave me on the 31st of July '98.

14 **THE COMMISSIONER:** Okay, but setting that
15 aside, I think what Mr. Horn is saying is, in 2000, you
16 have the information.

17 **MR. HALL:** We don't -- we don't have -- we
18 don't have Constable -- Detective Constable Dupuis' notes
19 until the February 7th, 2001. I didn't know he made any
20 notes. No one else did either.

21 **THE COMMISSIONER:** No. No, no. No, no, no
22 ---

23 **MR. HALL:** So when he's referring to what
24 information? The verbal information?

25 **MR. HORN:** The information ---

1 MR. HALL: I mean --

2 MR. HORN: --- went from Dupuis to you. You
3 were aware of it that there was conversations that took
4 place with C-16's mother and ---

5 MR. HALL: Yes.

6 MR. HORN: --- Dunlop. You were aware of
7 it.

8 MR. HALL: Yes.

9 MR. HORN: You may not have made notes of
10 it, but you were aware of it.

11 MR. HALL: Yes.

12 MR. HORN: And also, the will say statement
13 was in the possession of both yourself and Ms. Hallett.

14 MR. HALL: Not --

15 MR. HORN: That was all of it.

16 MR. HALL: Not -- not ---

17 MR. HORN: That was all there.

18 MR. HALL: --- at that time.

19 THE COMMISSIONER: One at the same time, Mr.
20 Hall. Again, I know it's interesting to go back and forth,
21 but please wait until he's finished asking the question.

22 MR. HALL: My turn, sir?

23 MR. HORN: Go ahead.

24 MR. HALL: At that time, we didn't have his
25 will say. Ms. Hallett never attended Cornwall until some

1 four months later. Also, in regards to the two telephone
2 calls, it's my recollection that the Court of Appeal said
3 it was innocuous, at most, marginally relevant, those
4 calls.

5 **MR. HORN:** Okay. If it was innocuous,
6 eventually, it was determined that the information that was
7 withheld was innocuous. That could have been found out
8 right at the very beginning.

9 If you and the Crown had gotten together and
10 realized what it was that was being withheld. Why didn't
11 you just sit down and say, "Ms. Hallett, what is it that is
12 the problem here? What information is being withheld?"
13 Why didn't you work with the Crown and say, "What is it
14 that we were really dealing with here?" is innocuous
15 conversation between Mr. Dunlop and C-16's mother. And you
16 would have found that out and you would have realized---

17 **MR. HALL:** No.

18 **MR. HORN:** --- it wasn't such a big deal.

19 **THE COMMISSIONER:** That's a good one.

20 **MR. ENGELMANN:** Sir, I -- if you -- one
21 question at a time and ---

22 **THE COMMISSIONER:** Right.

23 **MR. ENGELMANN:** --- he should be restricted
24 to questions as opposed to statements.

25 **THE COMMISSIONER:** Mr. Horn.

1 **MR. HORN:** Okay, I'm ---

2 **THE COMMISSIONER:** No, no, just a sec, I'm
3 not finished with you yet. First of all, what Mr.
4 Engelmann says is quite true; one question at a time. I've
5 indicated to you, and you're an experienced counsel, I'm
6 not going to put up with this anymore.

7 Number two, while the Court of Appeal said
8 that this whole thing was innocuous, let's not forget what
9 Mr. Justice Platana said, armed with other information,
10 because I think he distinguishes from the Court of Appeal
11 and says, "While they, on the knowledge they had,
12 characterized it that way, I, with the knowledge that I
13 have, characterize it as not being innocuous." So let's be
14 careful about that.

15 **MR. HORN:** Okay. The information that was
16 in dispute, would it have been better for you just to say,
17 "Let's -- hold the phone, let's talk about this situation,
18 I'll go to Hallett. Let's see what is it that we're really
19 dealing with?" That could have been done; couldn't it?

20 **MR. HALL:** Well, sir, the information I had
21 was Mr. Dunlop was contacting victims; we knew that very
22 well. And when we checked into it, the contact was made
23 after the C-16 was interviewed. We already had the
24 information.

25 There was no direct contact with C-16, so

1 there was nothing, in my mind, it was just another contact
2 with a victim -- a victim's family. And like, I think I
3 indicated last week, from our point of view, they could
4 have been related, they could have been worked together,
5 there could have been a number of reasons why, he was just
6 a caring person.

7 **MR. HORN:** But doesn't it look like the
8 problem occurred because there was a breakdown in your
9 relationship with Ms. Hallett and that's ---

10 **MR. HALL:** No.

11 **MR. HORN:** --- the reason why this sort of
12 thing could have happened?

13 **MR. HALL:** Well, sir, you got to go back and
14 say who knew what and when. I mean, you're relating events
15 that happened back in 2001 to what we should have known in
16 '98, and that's not the case. There was never a problem
17 with this, in my mind, until 7th of February of 2001.

18 **MR. HORN:** Okay.

19 There's another area that I'm interested in.
20 You've mentioned that you were going to investigate sexual
21 assaults rather than getting into the conspiracy part of
22 your mandate; right?

23 **MR. HALL:** Yes, there were crimes against a
24 person. I couldn't have a potential victim contact me or
25 me contact them and say, "Look, we got to wait eight months

1 because we've got to do this other investigation first."
2 That's why we decided to do the sexual assault
3 investigation first. Also, the possibility of obtaining
4 information that would be helpful in the conspiracy
5 investigation.

6 **MR. HORN:** Okay. The matter of sexual
7 assaults is quite difficult to prove if it's just one on
8 one; isn't it? The abuser and the abusee or the victim and
9 the abuser. Usually, it's just we have a situation in
10 which there's just two people involved.

11 **MR. HALL:** They can be difficult, but it
12 depends on the evidence and it depends on the circumstances
13 and the age of the victim sometimes and the age of the
14 suspect.

15 **MR. HORN:** I understand that.

16 **MR. HALL:** I mean, if you give me a case you
17 want to refer to, I could --

18 **MR. HORN:** No.

19 **MR. HALL:** --- I could comment on that, but
20 on a general rule, that --

21 **MR. HORN:** As a general rule, what you have
22 is usually a situation in which, if it's a historical
23 situation, it's a case of one individual and another
24 individual and maybe nobody's talked about it for a long
25 time and finally it comes out. Isn't that the usual

1 situation?

2 **MR. HALL:** Well, the usual situation is
3 somebody has talked about it somewhere, that maybe even you
4 could go back to school records when a teacher identified a
5 student who was a grade A and all of a sudden in Grade 6,
6 he went really downhill for no apparent reason.

7 And then, you know, we had cases where
8 alleged victims had commented to their parents and their
9 parents didn't believe them at the time, you know.

10 **MR. HORN:** Okay, but I understand. But if
11 you had been doing the conspiracy investigation, that would
12 have broadened the scope of your investigation to include
13 other people besides the complainant or the victim and his
14 statement; you would have been able to go around it and
15 maybe find other people that might know something.

16 So when you're doing the investigation with
17 conspiracy in conjunction with the abused, it would be
18 beneficial to you, wouldn't it?

19 **THE COMMISSIONER:** Mr. Carroll?

20 **MR. CARROLL:** I couldn't follow the
21 question. I think there's probably about four questions in
22 there as well and a bit of a speech with a "wouldn't you"
23 at the end. I don't think it's fair to the witness.

24 **MR. HORN:** All right then.

25 When you do an investigation on an

1 historical sexual abuse, as I said, as I suggested, it's
2 usually one individual is making a complaint against
3 another individual. How do you develop a case when you
4 only have one statement from the individual?

5 **MR. HALL:** Well, sir, it's not up to me to
6 believe or disbelieve what an alleged victim tells me. But
7 I think you will -- it bears out in this investigation,
8 once you have one come forward, nobody wants to be the
9 first one a lot of times. So once you have one and you lay
10 a charge, then quite often you have several more. If you
11 look at the Jean-Luc Leblanc situation, we arrested him
12 three different occasions because there was more victims
13 came forward.

14 **MR. HORN:** So when the more victims come
15 forward, then you want to have a charge against that
16 individual by a number of victims and it would help because
17 you're trying to establish what, similar fact evidence in
18 which -- is there a pattern that exists?

19 **MR. HALL:** Each one is an investigation in
20 itself and if there are reasonable probable grounds to lay
21 a charge, we lay the charge. If there happens to be one,
22 we only go with one. If there's five or six, we go with
23 five or six.

24 **MR. HORN:** So you're saying that you could
25 have multiple charges, multiple cases that would go

1 parallel to each other?

2 MR. HALL: Well, if we have a number of
3 victims -- take Jean-Luc Leblanc for instance, okay. It's
4 the easiest one maybe to describe.

5 When we first charged him, arrested him we
6 had two alleged victims, okay; that's on the 5th of January
7 -- 6th of January, I believe, '99.

8 Not too long after that, actually it was on
9 the 11th of March '99, we re-arrested him. There was
10 several more victims.

11 And then later on, when we became knowledge
12 of other victims and some of them came to us through his
13 defence counsel actually because he -- I guess he wanted to
14 clear off his plate, so to speak.

15 So we went out and interviewed those people
16 and we consulted with the Crown attorney. Charges were
17 laid.

18 MR. HORN: Okay, what I'm asking you is when
19 the charges are laid, if you have a number of victims, one
20 perpetrator, then you want to compare basically the way in
21 which it was done, see if there's a pattern that exists.
22 Isn't that what you're really trying to establish?

23 MR. HALL: Well, I think by the nature of
24 the very interview, you know, if there is a pattern, if
25 it's always taking place at the cottage or if it's taking

1 place in a vehicle or the nature of the acts that are taken
2 place, you can develop a pattern.

3 MR. HORN: Okay, and that would help you in
4 terms of getting a conviction against -- of that
5 individual?

6 MR. HALL: Well, it's evidence you put
7 before the court, and I don't think it's up to the police
8 to get a conviction. We present the evidence to the Crown,
9 who presents it to the court. A judge makes a finding if
10 the evidence is there.

11 MR. HORN: Okay, I understand that, but
12 isn't it more difficult if you have one complainant making
13 an allegation and there is no corroborating evidence and
14 there's maybe -- but it's better if you have a number of
15 victims and they have -- there's a similar pattern and, in
16 that way, similar fact evidence could be applied and it
17 would be easier to get a conviction?

18 MR. HALL: That would be obvious.

19 MR. CARROLL: This is all very interesting
20 and the witness, I note, has attempted time and again to
21 bring it back to the facts of the cases that are before
22 you.

23 This is much more in the nature of an
24 academic discussion and it is to be remembered that it's
25 ultimately the Crown that decides how they're going to

1 proceed; whether there's going to be multiple counts on one
2 indictment or whatever.

3 So I would think that my friend would be
4 better asking the witness questions specifically related to
5 these files that are before you.

6 **THE COMMISSIONER:** Well?

7 **MR. HORN:** I'm just trying to clarify what
8 he understands when he's been -- when he did these
9 particular cases because he was involved in a number of
10 cases, and I just want to know what his method was in
11 dealing with these cases. Was he trying to establish ---

12 **THE COMMISSIONER:** Mr. Horn ---

13 **MR. HORN:** --- cases using similar fact
14 evidence? Do you know about that?

15 **THE COMMISSIONER:** Just a second, just a
16 second. We were having a little discussion here and then
17 you turned it into a question to him.

18 **MR. HORN:** Yes.

19 **THE COMMISSIONER:** There's an objection.
20 Mr. Carroll was saying you can't do that.

21 **MR. HORN:** Oh, well, if I can't do it, you
22 tell me I can't do it.

23 **THE COMMISSIONER:** Well, I think we can
24 accept that the witness accepts that if you have many
25 victims and similar kind of acts, that similar fact

1 evidence can apply. Okay, that point has been made.

2 Now, let's get on to a different area.

3 **MR. HORN:** Okay.

4 So when you put the conspiracy investigation
5 on hold until you got the others, who made that decision;
6 was it you or did you go through your superior officer and
7 ask him should we do this?

8 **MR. HALL:** I made the decision.

9 **MR. HORN:** You made the decision?

10 **MR. HALL:** Yes.

11 **MR. HORN:** Did you consult with anybody?

12 **MR. HALL:** I didn't feel I had to.

13 **THE COMMISSIONER:** The answer is no.

14 **MR. HORN:** Okay. I understand that you,
15 yourself, was involved in -- you were investigated; weren't
16 you?

17 **MR. HALL:** The question again?

18 **MR. HORN:** Were you investigated at any time
19 for allegations of sexual assault?

20 **THE COMMISSIONER:** Okay, hold on now.

21 With respect to this -- to the Cornwall
22 area?

23 **MR. HORN:** We're talking about one in which
24 there was allegations that were in a website and there was
25 an investigation, an internal investigation that was done.

1 Did that happen?

2 **THE COMMISSIONER:** Hold it.

3 **MR. CARROLL:** I'm familiar with what he's
4 talking about. I really don't see how it's relevant to
5 your mandate, sir, and it was not an internal
6 investigation.

7 But I don't see it as being -- unless my
8 friend can justify the questions as something relevant to
9 the issues you have to decide, I would respectfully submit
10 that it's inappropriate questioning.

11 **THE COMMISSIONER:** Well, it's just it's news
12 to me. I don't know anything about this.

13 **MR. CARROLL:** I'm sure it is, and I don't --
14 although I'm aware of what he's talking about, I don't see
15 any justification based on the understanding of your
16 mandate that this would be at all relevant.

17 **THE COMMISSIONER:** Well, Mr. Engelmann, can
18 you help us out here?

19 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:

20 **MR. ENGELMANN:** There was a -- I believe
21 it's called an SIU investigation conducted as a result of
22 some allegations that were made by a woman and/or her
23 husband that we've heard from already in this proceeding.

24 My understanding is that these allegations
25 were investigated and found not to be credible and the

1 matter did not proceed.

2 **THE COMMISSIONER:** What time frame are we
3 talking about?

4 **MR. ENGELMANN:** We're talking about
5 something that would have come up during the course of
6 Project Truth. I don't recall the exact year, sir.

7 **THE COMMISSIONER:** Okay, how -- can you help
8 me with respect to relevance? I don't know what ---

9 **MR. ENGELMANN:** I -- it appears, sir, that
10 we did review the materials. I didn't go there with Mr.
11 Hall. There are documents in our database about this
12 matter. It appears to have been a situation where the
13 complainant and/or her husband who was actually making the
14 complaint on her behalf, identified the wrong person and it
15 was investigated.

16 **THE COMMISSIONER:** Okay. Now we're getting
17 somewhere.

18 **MR. ENGELMANN:** But initially, I believe,
19 the complainant had named Officer Hall.

20 **THE COMMISSIONER:** Okay.

21 **MR. ENGELMANN:** And there was an
22 investigation done, and we did look at it. Commission
23 counsel did look at it.

24 **THE COMMISSIONER:** Okay.

25 **MR. ENGELMANN:** There are documents in our

1 database on this issue.

2 **THE COMMISSIONER:** So the finding was that -
3 --

4 **MR. ENGELMANN:** Sir.

5 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CALLAGHAN:

6 **MR. CALLAGHAN:** This matter -- the person
7 who made these allegations -- there were questions put to
8 Staff Sergeant Derochie about an investigation that we did,
9 not the investigation with respect to Mr. Hall, but the
10 credibility of the person was lacking and you heard that
11 evidence from Staff Sergeant Derochie.

12 And there was a considerable amount of
13 effort and time put into this investigation, but my point
14 is, is that if that's going to form any part of your
15 report, just the knowledge that this man was also
16 erroneously alleged by the same person I think is
17 irrelevant, but only to that degree.

18 And I don't know why people aren't
19 mentioning the name, but I will -- it was Miss Shelley
20 Price.

21 **THE COMMISSIONER:** Okay.

22 **MR. CALLAGHAN:** And she made allegations.
23 You heard from Staff Sergeant Derochie that they were
24 deemed to be unfounded.

25 In fact, she wouldn't even come forward to

1 make the allegation in a more formal way, but they could
2 find no basis for it.

3 And another institution investigated the
4 allegations, I understand, involving Mr. Hall again found
5 them without merit.

6 **THE COMMISSIONER:** Yes. All right. I
7 understand that.

8 So now what's the purpose of -- there may be
9 some relevance, but show it to me.

10 **MR. HORN:** The issue is that he is involved
11 in Project Truth. He took over from Smith and now he's in
12 charge and now he's being alleged to be a perpetrator. I
13 think there's got to be something that's relevant there.
14 There was allegations made against him and an internal
15 investigation was done, and I understand that he did have
16 to go through an investigation.

17 **THE COMMISSIONER:** Right.

18 **MR. HALL:** Can I comment, seeing as ---

19 **THE COMMISSIONER:** No, you just stay right
20 there for a second. Is that understood, sir?

21 **MR. HALL:** Yes.

22 **THE COMMISSIONER:** Thank you. Thank you.

23 There may be some relevance, but it's your
24 job to tell me what relevance it is.

25 **MR. HORN:** The relevance is that he's the

1 investigator of these kinds of allegations that were
2 floating around in Cornwall and now he's the subject of the
3 same kind of allegations and he's the investigator.

4 **THE COMMISSIONER:** When were they?

5 **MR. HORN:** You mean when were the
6 allegations?

7 **THE COMMISSIONER:** When were the allegations
8 made? When was he investigated, that kind of thing?

9 **MR. HORN:** I'm not aware of the timeframe,
10 but I know that it did happen.

11 **THE COMMISSIONER:** No, no ---

12 **MR. HORN:** And I know that it happened after
13 he was -- he had retired and was no longer in the -- with
14 Project Truth.

15 **THE COMMISSIONER:** Ah.

16 **MR. HORN:** And it was done when the officer
17 who took his position was involved.

18 **THE COMMISSIONER:** So, Mr. Horn, I'm going
19 to ask you again; show me the relevance. You're just
20 rattling that off that it was there. So what you're saying
21 is that this officer did not know anything about this until
22 after he finished Project Truth? Is that what you're
23 saying?

24 **MR. HORN:** He was being investigated after
25 he left. He went through this process of investigation and

1 it had to be dealt with by his -- whoever it is that took
2 over his position.

3 **THE COMMISSIONER:** Mr. Horn, answer my
4 question. Was this officer aware of these accusations
5 before he left Project Truth?

6 **MR. HORN:** I don't know.

7 **THE COMMISSIONER:** Do you know when those
8 allegations first surfaced?

9 **MR. HORN:** No, I don't know.

10 **THE COMMISSIONER:** Well, I would suggest you
11 do your homework, sir, because in cross-examination, you're
12 the one who's supposed to have the facts and putting it to
13 this person. All right?

14 **MR. HORN:** M'hm.

15 **THE COMMISSIONER:** If I recall about cross-
16 examination a little bit.

17 The second thing is you have to show me how
18 it's relevant. If we have some people here and they're
19 saying that the investigation was after, that he never
20 knew, if that's the fact, that there was this accusation
21 until after he retired, what's the relevance?

22 **MR. HORN:** The investigation, I understand,
23 took place after, but it doesn't mean that the allegations
24 were not while he was in charge. He would know. He would
25 know. Obviously I'm not the only one that's interested in

1 this. I mean ---

2 **THE COMMISSIONER:** Who else is?

3 **MR. HORN:** The public would be interested in
4 knowing.

5 **THE COMMISSIONER:** Well, the public has been
6 informed so far, from what I see, is that somebody came
7 forward with a complaint. That complaint was investigated
8 and the person was ruled not credible. Okay.

9 Now, if this gentleman -- I'll ask him a
10 question.

11 Mr. Hall, were you aware of these
12 accusations before you ended your work with Project Truth?

13 **MR. HALL:** No.

14 **THE COMMISSIONER:** Thank you.

15 **MR. HALL:** Could I expand?

16 **THE COMMISSIONER:** No. No, please, just
17 stay there. All right?

18 We're dealing with a matter of law right
19 now. You're the witness. You deal with facts. You wait
20 until we ask you questions, please, sir. All right?

21 **MR. HALL:** Fair enough.

22 **THE COMMISSIONER:** Thank you.

23 Mr. Horn?

24 **MR. HORN:** Yes.

25 **THE COMMISSIONER:** Any final comments?

1 MR. HORN: I'll forego any more questions in
2 this area.

3 THE COMMISSIONER: Okay. It's your choice.

4 MR. HORN: Yes.

5 (SHORT PAUSE/COURTE PAUSE)

6 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

7 HORN(CONT'D/SUITE):

8 MR. HORN: There's just one other area that
9 I'm really interested in and that was the investigation
10 that took place regarding Jean -- is it Jean-Luc Leblanc?

11 MR. HALL: Yes.

12 MR. HORN: Okay. And I understand that it
13 was in -- was it Constable Millar's jurisdiction that this
14 investigation was going on? It was something, what, around
15 Lancaster?

16 MR. HALL: Newington.

17 MR. HORN: Newington.

18 And he was responsible for that
19 investigation?

20 MR. HALL: Well, it was his area.

21 MR. HORN: Okay. And so you took it upon
22 yourself to do his job for him?

23 MR. HALL: Well, it wasn't quite that way.
24 What happened was my officers were interviewing an alleged
25 victim of Malcolm MacDonald when Mr. Leblanc's name came

1 forward.

2 MR. HORN: Okay. But Mr. Millar was the one
3 that got in trouble because he didn't do his job because
4 you did it instead. Isn't that right?

5 MR. CARROLL: I'm obviously not counsel for
6 Mr. Millar but --- and I don't carry a brief for him ---
7 but that's an inaccurate statement in every respect,
8 including "getting in trouble".

9 MR. HORN: Well, he did -- it was alleged
10 that he was reprimanded -- he was investigated for not
11 doing his job. Isn't that right?

12 MR. CARROLL: That's an inaccurate statement
13 because in the record that I'm aware of, there is no such -
14 - there is no reprimand that I'm aware of in a formal way.

15 MR. HORN: Was he investigated?

16 THE COMMISSIONER: Well, first of all, I
17 take it that the limitation period under the *Police Act* had
18 passed -- long passed -- and so there was an investigation
19 and there may have been a conclusion, but I don't think
20 that it is in the form of a *Police Act* reprimand or
21 anything like that.

22 MR. HORN: All right.

23 What I'm asking you is, is this the way in
24 which you conduct yourself with fellow officers who are
25 assigned or responsible -- that you would go in there and

1 try to get the commendations for the arrest? Is this the
2 way you do things?

3 **MR. CARROLL:** On behalf of the witness, I
4 would seek clarification of the premise and the contents of
5 that question.

6 **THE COMMISSIONER:** Mr. Horn?

7 **MR. HORN:** Well, the Project Truth team got
8 commendations for it, didn't they, for that arrest, the
9 surveillance, final arrest?

10 **MR. HALL:** I asked their inspector to give
11 them a commendation, yes, for the action of my officers;
12 namely, Detective Constable Dupuis and Detective Constable
13 Seguin, because they came in when I had clearly given them
14 time off. There was an issue that needed to be addressed.
15 We addressed it and we got results.

16 **MR. HORN:** And it was something that Millar
17 should have done; right? And because he didn't do it, he
18 got himself into trouble; didn't he?

19 **MR. CARROLL:** Again, I don't think I need to
20 renew my objection. These facts are wrong and he should
21 not, with the greatest of respect, be stating them in the
22 form of a question when he knows or should know those facts
23 are wrong.

24 **THE COMMISSIONER:** I think you have to word
25 it carefully, Mr. Horn. He was investigated, Mr. Millar.

1 **MR. HORN:** That's right.

2 **THE COMMISSIONER:** There were some
3 determinations made. But those determinations did not
4 result in any *Police Act* charges because the limitation
5 period was over.

6 **MR. HORN:** I'm just asking you, did you go
7 and talk to Mr. Millar after this and say, "If you got
8 yourself into trouble, I would have been there for you"?

9 **MR. HALL:** No. I spoke to him, but I didn't
10 speak to him in those words.

11 **MR. HORN:** You didn't say, "If you have a
12 hearing of any kind, I'll be there and I'll testify on your
13 behalf"? Did you do that?

14 **MR. CARROLL:** Can I ask for the relevancy of
15 the question?

16 **THE COMMISSIONER:** Yes. What's the
17 relevance?

18 **MR. HORN:** The relevance is he's in a
19 Project Truth -- he's involved in investigating Project
20 Truth.

21 He goes outside the mandate of the -- and
22 arrests somebody, and as a result of that, because he did
23 that job, the other officer got himself into trouble.

24 I just want to know, when he got in trouble,
25 did you go there and explain ---

26 **THE COMMISSIONER:** Mr. Horn, don't use the

1 word "trouble" please. He didn't get in "trouble" in the
2 sense of the word when we talk about *Police Act* charges.
3 Was he investigated? Yes. Was there a review done of his
4 conduct? Yes.

5 **MR. HORN:** Yes.

6 **THE COMMISSIONER:** M'hm. Were there some
7 findings made? Yes. But they had no effect on -- with
8 respect to "trouble" as we understand it. He couldn't be
9 reprimanded under the *Police Act*. He couldn't -- because
10 of that -- that vehicle wasn't available to him.

11 **MR. CARROLL:** May I just -- as I understand
12 the record -- and I confess that it was not here when
13 Millar testified, but having said that, I'm not sure what
14 all is in the record and before you, but in any event,
15 you've spoken of a limitation period.

16 **THE COMMISSIONER:** Yes.

17 **MR. CARROLL:** And that precluded a
18 proceeding going ahead.

19 **THE COMMISSIONER:** Yes.

20 **MR. CARROLL:** I think it's one step ahead to
21 say it precluded a reprimand because there would have been
22 to a finding first. And I believe you said that the ---

23 **THE COMMISSIONER:** Well, the word ---

24 **MR. CARROLL:** --- expiration of the
25 limitation period precluded a remand -- a reprimand. What
26 it apparently precluded was the holding of a hearing.

1 **THE COMMISSIONER:** Well, of course, except
2 that we know, and we have it in evidence, that there was a
3 review made.

4 **MR. CARROLL:** That's fine. I'm not ---

5 **THE COMMISSIONER:** Okay.

6 **MR. CARROLL:** I'm not contesting that. That
7 is a matter of fact. My concern was that we were going
8 from the matter can't proceed, therefore he can't be
9 reprimanded or otherwise disciplined, when the process
10 would be there cannot be a hearing, which may have -- who
11 knows what the result would have been.

12 **THE COMMISSIONER:** No, no, I understand
13 that, sir, but we do have some conclusions in that report
14 and those conclusions have no effect ---

15 **MR. CARROLL:** Right.

16 **THE COMMISSIONER:** --- because the only
17 legislation where it could have effect is in the *Police*
18 *Act*.

19 **MR. CARROLL:** Correct.

20 **THE COMMISSIONER:** And so that's gone.
21 But there were findings made in that report.

22 **MR. CARROLL:** I'm not disputing that.

23 **THE COMMISSIONER:** Okay. So ---

24 **MR. CARROLL:** But the findings, sir, I mean,
25 the findings are almost made in a vacuum.

26 **THE COMMISSIONER:** That's fine, but what

1 he ---

2 **MR. CARROLL:** Right.

3 **THE COMMISSIONER:** Right. But he doesn't a
4 right to question the witness about that report, if he
5 wants to. But he's using the word "trouble" which is your
6 objection.

7 **MR. CARROLL:** Okay. All right.

8 **THE COMMISSIONER:** All right? Good. Thank
9 you.

10 Now, Mr. Horn?

11 **MR. HORN:** Okay. When there was a -- when
12 these -- what would we call them -- allegations ---

13 **THE COMMISSIONER:** Which ones?

14 **MR. HORN:** I'm talking about against Mr.
15 Millar were going forward, did you go to him and say, "If
16 you get yourself into, you know, like, you have to come
17 here for some sort of a hearing, I'll be there for you"?

18 **MR. HALL:** Well, I first learned that a
19 *Police Service Act* investigation was taking place, it was,
20 I believe, the 4th of January 2006. I was in Texas. I was
21 nowhere near here. And I never discussed it with Detective
22 Sergeant Millar, or inspector Millar now, at any time after
23 I retired.

24 **MR. HORN:** So are you saying that you didn't
25 know anything about it?

26 **MR. HALL:** I didn't say that. I said I

1 didn't discussion anything with him.

2 MR. HORN: You didn't discuss it with him,
3 but you were aware that he was going to be going through a
4 process?

5 MR. HALL: Yes.

6 MR. HORN: So when you were aware that that
7 was happening, did you feel that you had some kind of
8 obligation to go there and support him?

9 MR. HALL: Support him in what?

10 MR. HORN: Support him because he may be --
11 he may be -- well, I'm not going to call it "trouble", but
12 he could have been reprimanded, he could have been ---

13 MR. HALL: No, he could ---

14 MR. HORN: --- been -- he could have been
15 ---

16 THE COMMISSIONER: No, he could not have
17 been.

18 MR. HORN: Well, he would have -- he's been
19 -- he's being dealt with in a way in which there's a
20 discipline ---

21 THE COMMISSIONER: No, there ---

22 MR. HORN: --- going to be taking place.

23 THE COMMISSIONER: --- is not.

24 MR. HORN: Well, there was potential
25 discipline ---

26 THE COMMISSIONER: No, there ---

1 **MR. HORN:** --- that was going to take place.

2 **THE COMMISSIONER:** --- was not.

3 **MR. ENGELMANN:** Sir, I think in any event,
4 the witness has answered the question.

5 **THE COMMISSIONER:** I know.

6 **MR. ENGELMANN:** He had no discussions with
7 Officer Millar.

8 **MR. HALL:** Correct.

9 **MR. HORN:** Okay. Maybe he didn't have any
10 discussions.

11 In retrospect, do you think that you should
12 have had discussions with him?

13 **MR. CARROLL:** Well, it's not relevant.

14 **THE COMMISSIONER:** Okay. Okay. Mr. Horn,
15 go on to another topic.

16 **MR. HORN:** All right.

17 Now, in preparing the mandate for the
18 Project Truth, I understand that you worked with Smith?

19 **MR. HALL:** Yes.

20 **MR. HORN:** And you crafted something that
21 you thought would be -- you took information from the
22 Dunlop file that went to Fantino?

23 **MR. HALL:** Yes.

24 **MR. HORN:** Plus some other information that
25 came from Mr. Leroux?

26 **MR. HALL:** Yes.

1 **MR. HORN:** And you put together the mandate
2 and you said, "This is what I'm going to govern myself
3 with. This is my mandate. This is what I've been -- what
4 I have to do."

5 **MR. HALL:** That was the instructions from
6 the Regional Crown attorney, Peter Griffiths, investigate
7 all the allegations.

8 **MR. HORN:** Okay. I'm suggesting to you that
9 what you really did was you had a mandate and your job --
10 you thought that your job was to go through each one of
11 these points and try to disprove them and try to make sure
12 that none of these things ever become proven. And that was
13 really what you thought your real mandate was.

14 **MR. HALL:** I entirely disagree with you.

15 **MR. HORN:** Pardon?

16 **MR. HALL:** I disagree with you.

17 **MR. HORN:** And that the strategy was to put
18 all of the blame on Mr. Dunlop and say that he was
19 responsible for everything that went wrong.

20 **MR. HALL:** When I crafted the -- or framed
21 the mandate, I had very little dealings -- as a matter of
22 fact, I don't even believe I had met with Constable Dunlop
23 or even knew him at that stage. It was Constable Dunlop's
24 action that I would say he's the author of his own
25 misfortune.

26 **MR. HORN:** Would you agree that a police

1 officer found in the situation where he is being
2 investigated by his own police force and he's now being
3 investigated by another police force doesn't -- wouldn't
4 trust anybody after that? Would you agree with that?

5 **MR. CARROLL:** Aside from whether or not this
6 witness is in a position to comment on that question, I'm
7 not aware of a timeframe that he's speaking of as to when
8 this man's under investigation by two police services.

9 **THE COMMISSIONER:** M'hm. What police
10 investigations did he become subject to?

11 **MR. HORN:** Well, he was being -- he was
12 investigated early on, when there was a release of the
13 information to the CAS and he was ---

14 **THE COMMISSIONER:** For which he was
15 completed exonerated.

16 **MR. HORN:** Yes, he was exonerated, but now
17 he was at odds with his own police force. He didn't trust
18 the police -- his own police force after that. Wouldn't
19 you agree? Do you find that that's what you found out?

20 **MR. CARROLL:** Mr. Horn, we're getting a
21 ruling from the Commissioner. Wait.

22 **MR. HORN:** Okay.

23 **THE COMMISSIONER:** Mr. Horn, what second
24 investigation? So you're saying that because of the first
25 one where he was exonerated and before he begins his
26 lawsuit against the police force? Is that the timeframe

1 you're looking at?

2 **MR. HORN:** I'm suggesting that he was
3 investigated by his own police force, charged, exonerated,
4 and then there was other investigations afterwards by the
5 OPP ---

6 **THE COMMISSIONER:** Okay.

7 **MR. HORN:** --- and then there was another
8 one in which the whole purpose, as far as we're concerned
9 ---

10 **THE COMMISSIONER:** No, sir ---

11 **MR. HORN:** --- was to exonerate -- not to
12 exonerate him, but to ---

13 **THE COMMISSIONER:** Mr. Horn, you're speaking
14 to me now.

15 **MR. HORN:** Okay.

16 **THE COMMISSIONER:** Never mind the witness
17 for a minute. First of all, do you see the nuance that the
18 position of the Cornwall Police is really that they didn't
19 want to go with any of these charges and it was the Board
20 that went forward, the Police Review Board or whatever it's
21 called, that went to that and it wasn't the Cornwall Police
22 that were pushing for those charges?

23 **MR. HORN:** He was charged anyways.

24 **THE COMMISSIONER:** Well ---

25 **MR. HORN:** And he was charged for what he
26 did, because he went outside and he went to the CAS, and as

1 a result, he -- from that moment on, I'm suggesting, he did
2 not trust his own police force. And I can -- and we can
3 understand why he wouldn't trust his police force.

4 **MR. SHERRIFF-SCOTT:** I think there's a very
5 simple way out of this, sir.

6 **THE COMMISSIONER:** Thank you.

7 **MR. SHERRIFF-SCOTT:** The entire premise of
8 this question, the entire reason for it and foundation for
9 it is to get this witness to comment on Mr. Dunlop's state
10 of mind. Mr. Dunlop refused to come here and testify and
11 I'm not sure how the witness can make inferences based on
12 these facts.

13 On that basis alone, the question is
14 improper.

15 **MR. CARROLL:** And if I might, sir, just on
16 the matter of facts again, Mr. Horn has stated, before you
17 engaged again in the dialogue with him, that the OPP had
18 conducted an investigation into Mr. Dunlop.

19 **THE COMMISSIONER:** M'hm.

20 **MR. CARROLL:** And the record is replete with
21 the refusal of the OPP to do that.

22 **THE COMMISSIONER:** So you see, Mr. Horn,
23 even if we got to Mr. Sherriff-Scott's place ---

24 **(LAUGHTER/RIRES)**

25 **THE COMMISSIONER:** The premise is you're

1 saying it's a Cornwall Police who charged him, and that's
2 why he didn't have any trust in him. And I think the facts
3 are a little different than that, sir.

4 **MR. HORN:** Would you agree that Mr. Dunlop
5 did not trust the police, your police and his own police
6 force? Would you agree that that was what your -- what you
7 got out of him when you were dealing with him?

8 **MR. HALL:** He said that, yes.

9 **MR. HORN:** That's right. He didn't trust
10 the OPP. He didn't trust his own police force?

11 **MR. HALL:** Correct.

12 **MR. HORN:** I'm suggesting to you that was
13 created by the police forces because they kept going after
14 him and after him and after him, and I'm suggesting that
15 that's the reason why.

16 **THE COMMISSIONER:** First of all, this
17 gentleman can't speak for the Cornwall Police. He can only
18 speak for himself and his involvement with the OPP
19 investigation, and he's saying the OPP never investigated
20 Mr. Dunlop.

21 **MR. HORN:** Mr. Dunlop is being accused of
22 not cooperating and causing the stays of charges and he's
23 being accused of that. I'm suggesting to you that was
24 caused by his own police force, the OPP, who put him in
25 that position and created a situation where he didn't trust

1 them.

2 And I'm suggesting -- would you agree that
3 he didn't trust you or any -- your police force or the
4 Cornwall Police?

5 **MR. HALL:** That's what he said.

6 **THE COMMISSIONER:** Yeah. Okay.

7 **MR. HORN:** Okay. So you were expecting him
8 to cooperate?

9 **MR. HALL:** Well, as a police officer, having
10 full knowledge of what's required in court cases and
11 disclosure, I would expect him, at the very least, to
12 provide his notes, at the very least.

13 **MR. HORN:** Was there ever any attempt to get
14 those notes by just going to a judge and getting a court
15 order to order him to do those things?

16 **MR. HALL:** Well, I think we've heard already
17 the efforts that were made.

18 **THE COMMISSIONER:** No, no, have you -- let's
19 just pull this around. Did you ever consider going to a
20 judge and getting an order?

21 **MR. HALL:** I didn't, no.

22 **THE COMMISSIONER:** No.

23 **MR. HORN:** Did you hear of any discussion in
24 that direction?

25 **MR. HALL:** Well, I think the Regional Crown

1 Attorney Marc Garson indicated that as a possible avenue in
2 his memorandum to Staff Sergeant Derochie of the Cornwall
3 Police in the fall of '99.

4 **MR. HORN:** So if that order was there and
5 they had issued it against Mr. Dunlop and he had to comply,
6 it would have avoided all the problems, wouldn't it, of the
7 -- because he would have had to give that information?

8 **THE COMMISSIONER:** Whether he would have or
9 not is up for grabs.

10 **MR. CARROLL:** And I think he was -- although
11 it wasn't from a court, he was still subject to his own
12 police service discipline procedure and there was an order
13 from them to turn it over.

14 **MR. HORN:** As you agree, he was not -- he
15 didn't trust his own police force, but he probably would
16 have complied with a court order, wouldn't he have?

17 **THE COMMISSIONER:** No, no, no, Mr. -- are
18 you starting to give evidence on behalf of Mr. Dunlop as to
19 what he would have done with respect to a court order?

20 (LAUGHTER/RIRES)

21 **THE COMMISSIONER:** And we know ---

22 **MR. HORN:** We know what?

23 **THE COMMISSIONER:** I'm sorry. I want to be
24 serious here. We know, sir, that Mr. Dunlop was
25 incarcerated because he refused to follow a court order.

1 So I don't know that we should even go there.

2 MR. HORN: After a lot of water under the
3 bridge, many, many things have happened and ---

4 THE COMMISSIONER: Sure. I understand that.

5 MR. HORN: Everything that's happened has
6 created him into a very, very difficult person to deal
7 with.

8 THE COMMISSIONER: Just a second.

9 MR. HORN: And I'm saying it's caused by the
10 police forces, their heavy-handed way in which they dealt
11 with him ---

12 THE COMMISSIONER: No, sir -- sir ---

13 MR. HORN: --- that created this situation.

14 THE COMMISSIONER: No, no, sir, first of
15 all, you are making comments that are mine to determine.
16 You're not asking questions of this person and you're
17 making bold allegations, which you haven't laid any
18 groundwork for cross-examination. So please, sir.

19 MR. HORN: Thank you. That's all. That's
20 all the questions I have.

21 THE COMMISSIONER: All right. Thank you.

22 MR. HALL: Thank you.

23 THE COMMISSIONER: So who's next? It is Mr.
24 Chisholm or Mr. Rose? I'm sorry?

25 MR. CALLAGHAN: Mr. Neville would have been

1 ---

2 **THE COMMISSIONER:** No, no, I thought that
3 what Mr. Engelmann -- whatever which way you folks want to
4 do it. Who is next?

5 **MR. CHISHOLM:** I'll go now, sir.

6 **THE COMMISSIONER:** All right.

7 **MR. CHISHOLM:** I suppose subject to any
8 questions that may arise after Mr. Neville does his cross-
9 examination, I reserve the right to return and touch upon
10 any issues that might arise from Mr. Neville's cross-
11 examination being that I'm going in front of him.

12 **THE COMMISSIONER:** Well, no, no, no, we're
13 not going to start that. We've gone through all of this
14 and everybody has followed suit.

15 Mr. Engelmann?

16 **MR. ENGELMANN:** If there's no agreement, we
17 should follow the order we have. You know, that's the
18 arrangement, unless Mr. Callaghan just wants to jump the
19 queue, but if counsel do not have an agreement, we should
20 just do this in the order we have.

21 **THE COMMISSIONER:** Okay. So do we have an
22 agreement? Well, Mr. Rose is coming forward.

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

24 **ROSE:**

25 **MR. ROSE:** Good afternoon -- good morning,

1 Mr. Hall. My name is David Rose. I'm counsel for the
2 Ministry of Community Safety, Correctional Services in
3 their capacity as probation and parole service providers in
4 Cornwall.

5 So I have some questions for you narrowly
6 about your contact with Paul Downing.

7 **MR. HALL:** Yes.

8 **MR. ROSE:** And you were asked some questions
9 about this last Friday and I just want to elaborate a bit
10 on that.

11 As I understand your evidence, you've had
12 three contacts with Paul Downing in total. I'm just
13 reviewing your notes and looking at your evidence.

14 **MR. HALL:** My notes of August 11th?

15 **MR. ROSE:** It would actually be August
16 through September of 2000.

17 **MR. HALL:** Yes. There was several contacts
18 and I actually visited with him in Kingston.

19 **MR. ROSE:** Right.

20 So -- and I just want to back up a little
21 bit from that. And I take it, sir, that you knew that Mr.
22 Downing was investigating, on behalf of the Ministry,
23 allegations that were made in a website. He was actually
24 formulating -- doing an administrative review but specific
25 to allegations in a website?

1 **MR. HALL:** That was one of the reasons, but
2 I believe the fact that Father Maloney was connected to the
3 Cornwall Jail was one of the reasons he was contacting me.

4 **MR. ROSE:** Right.

5 **MR. HALL:** If I could see my notes, I think
6 I outline what he told me specifically.

7 **MR. ROSE:** Well, we'll get there and we'll
8 take you to your notes, but I just want to go through what
9 you knew about the website.

10 And just so that we're clear, you knew about
11 the website that Paul Downing -- had spurred Paul Downing's
12 involvement?

13 **MR. HALL:** Which website are you referring
14 to?

15 **MR. ROSE:** A Dick Nadeau website. Do you
16 want to take a look at your notes?

17 **MR. HALL:** The first or the second?

18 **MR. ROSE:** Well, let's go right to your
19 notes. If we could put up on the screen, please, Exhibit
20 2754, and it's Bates page 71105 -- I have 7110579. And you
21 see there, at 1300, it says "Call from Dick Nadeau"?

22 **MR. HALL:** Yes. Bates page?

23 **MR. ROSE:** I have 7110579. And this is a
24 conversation you noted about a call with Dick Nadeau about
25 a website.

1 **MR. HALL:** Yes.

2 **MR. ROSE:** And from reading your notes -- if
3 you want to take a look at them -- it appears to me that in
4 your conversation with Dick Nadeau, you would have
5 discussed with him the contents of this website, including
6 Father Maloney?

7 **MR. HALL:** Yes. On ---

8 **MR. ROSE:** And I have it actually to the
9 next page where you say ---

10 **MR. HALL:** I asked about Father Kevin
11 Maloney?

12 **MR. ROSE:** Yeah, it says:

13 "Asked about Father Kevin Maloney..."

14 **MR. HALL:** I said "waiting for a legal
15 opinion."

16 **MR. ROSE:** Right.

17 **MR. HALL:** "Nadeau was very understanding of
18 our position."

19 **MR. ROSE:** Right. In other words ---

20 **MR. HALL:** "...Hoped it wouldn't affect the
21 criminal charges."

22 I think he was referring to the website.

23 **MR. ROSE:** Right.

24 And all I wanted to establish there, Mr.

25 Hall, was that during your discussion with Dick Nadeau, the

1 topic of Father Maloney appearing in the website had come
2 up?

3 MR. HALL: Yes.

4 MR. ROSE: Right.

5 In other words, you are not talking about
6 Father Maloney in some other context?

7 MR. HALL: No.

8 MR. ROSE: And you are not talking about it
9 with Dick Nadeau in some other context?

10 MR. HALL: No.

11 MR. ROSE: It's about the website?

12 MR. HALL: Yes.

13 MR. ROSE: And I take it at that point, what
14 I'm reading from your notes and would it be fair to suggest
15 to you is that there's some concern about Dick Nadeau and
16 this website?

17 MR. HALL: Definitely.

18 MR. ROSE: Right.

19 And you're following it through. And again,
20 reading your notes, it looks to me like you are following
21 the website on August the 2nd and that would be in the same
22 exhibit, Bates page 7110589. And at 8:45, it looks like
23 you're receiving information from Constable Dupuis.

24 MR. HALL: The Bates page again, please?

25 MR. ROSE: That would be 7110589, August 2nd,

1 2000. You see there at the bottom, it says, "Website taken
2 down."

3 **MR. HALL:** We're in another document, are we
4 not?

5 **MR. ROSE:** Right.

6 **MR. HALL:** Yes.

7 **MR. ROSE:** You're right, 2755.

8 **MR. HALL:** Yes.

9 **MR. ROSE:** So in other words, a few days
10 later, you're monitoring it to the extent that you know the
11 website and then again -- I take it this is Dick Nadeau's
12 website -- was taken down?

13 **MR. HALL:** Yes. Well, it was James
14 Bateman's actually website that Nadeau was using, the very
15 first one.

16 **MR. ROSE:** Right.

17 In other words, this is a website that had
18 involved publicizing allegations that are speaking to your
19 investigation?

20 **MR. HALL:** Yes.

21 **MR. ROSE:** If not specifically, it's
22 bringing in -- as the Commissioner's heard over the last
23 few years, this is bringing in all sorts of allegations?

24 **MR. HALL:** It's allegations that were turned
25 over to him by Constable Dunlop.

1 **MR. ROSE:** Right. Okay.

2 And all I'm trying to establish here, sir,
3 is that you are aware of this before you speak to Paul
4 Downing?

5 **MR. HALL:** Yes.

6 **MR. ROSE:** Okay. So when Paul Downing calls
7 you -- and I take it the first time he spoke with you was
8 August 11th of 2000. I have that as Bates page 7110605,
9 10:20 in the morning, very bottom of the page there.

10 **MR. HALL:** Yes.

11 "Received a call from Paul
12 Downing..."

13 **MR. ROSE:** Right.

14 **MR. HALL:** "...Special Investigations
15 Correctional Service."

16 He was calling -- he was called by a Mr.
17 Mickey Stevens (sic).

18 "His mandate was to remove from
19 involvement info non criminal, contact
20 me and Hallett..."

21 **MR. ROSE:** In other words, it says ---

22 **MR. HALL:** "...call regarding Father Kevin
23 Maloney because he is a..." ---

24 **MR. ROSE:** Ministry of Corrections Chaplain?

25 **MR. HALL:** Yes. Yes.

1 MR. ROSE: At the Cornwall Jail maybe?

2 MR. HALL: Yes.

3 MR. ROSE: And that Jos ---

4 MR. HALL: I believe I received a call from
5 the superintendent of the jail with the same concerns.

6 MR. ROSE: Oh, I see.

7 But I take it that the next line says, "Jos
8 Van" -- well ---

9 MR. HALL: Van Diepen?

10 MR. ROSE: Van Diepen.

11 MR. HALL: Yes, Probation and Parole, yes.

12 MR. ROSE: Yes, I didn't get the next line,
13 but certainly as I understand your notes, sir, you're
14 understanding from Paul Downing that he is investigating
15 the issue of Father Kevin Maloney and Jos Van Diepen?

16 MR. HALL: Yes.

17 MR. ROSE: And you understood at that point
18 that it's connected with this website, these allegations?

19 MR. HALL: Yes.

20 MR. ROSE: Would that be fair?

21 MR. HALL: Yes.

22 MR. ROSE: Okay. And did you understand
23 that Paul Downing was investigating or doing a review for
24 the Ministry about what was on this website and what all
25 this was about?

1 Is that what -- if I could phrase it that
2 way, was that your understanding when you spoke with Paul
3 Downing?

4 **MR. HALL:** Yes, and as my notes reflect,
5 "We'll meet in September to exchange
6 information."

7 I advised him to call Hallett, referring to
8 Shelley Hallett about charges.

9 "Presently is not suspected of any
10 further involvement."

11 And Downing went on to tell me he was a
12 member of CISO, and he related names of many officers I had
13 known because he worked in the Chatham area and I had
14 worked in the Chatham area.

15 **MR. ROSE:** Okay. And again, just so that
16 we're clear, you understood that he's acting as a Ministry
17 investigator pursuant to the *Ministry of Correctional*
18 *Services Act*?

19 **MR. HALL:** Yes. Yes.

20 **MR. ROSE:** In an official capacity?

21 **MR. HALL:** That's what he told me.

22 **MR. ROSE:** And you understood that to be
23 true?

24 **MR. HALL:** Well, I had no reason to
25 disbelieve him.

1 **MR. ROSE:** No reason to disbelieve him?

2 **MR. HALL:** No.

3 **MR. ROSE:** So that's the first contact.

4 The second contact you have with Paul
5 Downing I take it is on September 13th, and that's Exhibit
6 2755. I have Bates page 7110651, so just less than a month
7 later.

8 And this is to arrange a meeting between the
9 two of you in Kingston?

10 **MR. HALL:** Yes.

11 "15:50 call from Paul Downing on Kevin
12 Maloney and Jos Van Diepen. Will be in
13 Kingston on the 27th of September. Will
14 page him on the 25th."

15 **MR. ROSE:** Okay. What did you understand
16 the meeting to be about in Kingston?

17 **MR. HALL:** He wanted information primarily
18 from the interview reports, I believe, that we had
19 conducted on Mr. Van Diepen, and I had indicated to him
20 that I couldn't give him copies of anything, but I would
21 share information with him.

22 **MR. ROSE:** Okay. Why did you understand
23 that you couldn't give him copies of those reports, sir?

24 **MR. HALL:** Because I was conducting a police
25 investigation. It's our Force policy we do not disclose

1 them. If he, in fact, wanted to get a copy, he could have
2 done it in, I would suggest, at least two ways. He could
3 have asked Mr. Van Diepen for a copy of his interview
4 report. He could have contacted Crown Attorney Shelley
5 Hallett, which I advised him to, and she could have either
6 given him a copy, if that was her wish, or she could have
7 consulted with legal officials with your Ministry.

8 So in my view, there was an avenue other
9 than me. I wasn't going to give them, but I did allow him
10 to read them and make notes from them.

11 **MR. ROSE:** Oh, we know that. And I think
12 the question -- we know that, for instance, on September
13 27th, 2000, just to complete this, the third contact you
14 have with Mr. Downing, and that's on Bates page 7110662,
15 September 27th, 2000. And you have noted:

16 "Meet with Paul Downing on Van Diepen,
17 Ken Seguin, Father Maloney; exchange
18 information..."

19 **MR. HALL:** Yes.

20 **MR. ROSE:** "...7:20."

21 **MR. HALL:** Well, we met for a considerable
22 amount of time.

23 **MR. ROSE:** Was it about an hour?

24 **MR. HALL:** Yes.

25 **MR. ROSE:** Okay.

1 **MR. HALL:** Or maybe a little more than an
2 hour. I met with him at 7:20. My next entry is at nine
3 o'clock.

4 **MR. ROSE:** Somewhere around an hour and a
5 half?

6 **MR. HALL:** Yes.

7 **MR. ROSE:** Okay. And according to your
8 notes, you are exchanging information.

9 Do you recall what information you were
10 getting from Mr. Downing?

11 **MR. HALL:** I wasn't getting anything from
12 him. He was getting it from me.

13 **MR. ROSE:** Okay. I read that as exchange as
14 in a two-way ---

15 **MR. HALL:** No, no, he was interested in the
16 contents of our interview reports, which I gave him. And I
17 gave him some information as to what I knew of the
18 investigation involving Mr. Van Diepen back in '94 because
19 I wasn't there personally, and I shared -- well, he told me
20 he was a member of CISO in an intelligence function, and I
21 probably shared more information with him than I normally
22 would have.

23 **MR. ROSE:** I took that from your evidence
24 last week and I'd like to ask you a few questions about
25 that.

1 If Mr. Downing had been a peace officer from
2 another police force in Ontario, would you have given him
3 more? Would you have actually given him copies of Mr. Van
4 Diepen's statement?

5 **MR. HALL:** No. No. No. If he had been an
6 intelligence officer in our Force or another municipal
7 force, I may have because intelligence officers, their
8 business is to determine information, store information,
9 and usually don't disclose the source of their information
10 a lot of times.

11 So I was -- this being a one on one with
12 him, I was giving him information that -- what I thought
13 was appropriate, to help him in his investigation.

14 **MR. ROSE:** Oh, I've understood that from
15 your evidence. What I'd like to do is try and probe a bit
16 more as to why you would not have given him copies, and, as
17 I understand your evidence ---

18 **MR. HALL:** Well, it's our force policy; it's
19 as simple as that.

20 **MR. ROSE:** Okay, so your policy is not to
21 give him a copy, to give anyone other than an intelligence
22 officer a copy?

23 **MR. HALL:** No, I didn't say I'd given an
24 intelligence officer a copy. I just said I would exchange
25 more information, than I normally would with the -- your

1 everyday police officer, okay?

2 He had an avenue of getting a copy of the
3 report, if he really needed it, in my view, so -- my
4 investigation was still going on. I still was -- had a
5 conspiracy investigation to do, and we don't release copies
6 of our reports.

7 If an individual gives us a statement, and
8 he wants a copy for the Criminal Injuries Compensation
9 Board, or for whatever reason, if he gives us a signed
10 document, wanting a copy of the statement, we will comply.

11 **MR. ROSE:** Okay. And when you say that it's
12 your policy not to give a copy of the statement ---

13 **MR. HALL:** A criminal investigation, yes ---

14 **MR. ROSE:** Okay, is that ---

15 **MR. HALL:** --- you don't give a copy.

16 **MR. ROSE:** Is there a written policy that
17 the OPP has about that?

18 **MR. HALL:** I'm fairly certain it would have
19 been in Part 10, Police Orders.

20 **MR. ROSE:** Okay. So, in other words, if I
21 look into that, into the disclosure, I'm going to find that
22 somewhere there's a policy which says that, if it's someone
23 outside your police force, or non-intelligence, you're not
24 going to give a copy of the statement?

25 **MR. HALL:** Well, if there's an ongoing

1 investigation, we're not going to give a copy of it to
2 anybody, other than the Crown attorney for disclosure.

3 **MR. ROSE:** Okay.

4 **MR. CARROLL:** If I may, just as a matter of
5 law, my friend would also, I presume, be aware of the
6 obligations pursuant to the *Police Services Act* of non-
7 disclosure of police officers receiving confidential
8 information in the course of their duties to persons
9 outside their own force.

10 **MR. ROSE:** All I want to do is probe the
11 limits here, Mr. Commissioner, so that, at the end of the
12 day, we can deal with this.

13 **THE COMMISSIONER:** Sure.

14 **MR. ROSE:** And is there anything more
15 that -- about that, that you want to add?

16 **MR. HALL:** No.

17 **MR. ROSE:** Okay. Those are my questions,
18 sir.

19 **THE COMMISSIONER:** All right, thank you.
20 Now I go back to the scheduling.

21 I had -- so if Mr. Chisholm is not prepared
22 to do his cross-examination without the caveat, I guess
23 we'll go with Mr. Neville.

24 No?

25 **MR. SCHARBACH:** I'm sorry, sir, I'm not sure

1 what order Mr. Chisholm ---

2 **THE COMMISSIONER:** Well, the way I was told,
3 it was Mr. Horn, then it was either Mr. Chisholm or Mr.
4 Rose, and then it was your -- the Ministry of the Attorney
5 General, then it went to Cornwall police.

6 **MR. CHISHOLM:** Sir, Mr. Neville tells me
7 he's not going anywhere near the CAS, so I can go now.

8 **THE COMMISSIONER:** All right.

9 **MR. CHISHOLM:** If it suits you.

10 --- CROSS EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

11 **MR. CHISHOLM:**

12 **MR. CHISHOLM:** Good morning, Inspector Hall.
13 My name is Peter Chisholm; I'm counsel for the CAS.

14 **MR. HALL:** Good morning, sir.

15 **MR. CHISHOLM:** Looking at your notes, I see
16 during the course of the Project Truth investigation you
17 had some -- a number of contacts between yourself and
18 various members of the CAS; is that fair to say?

19 **MR. HALL:** I wouldn't say various members.
20 I think Bill Carriere and Richard Abell were the two main
21 people I spoke with.

22 **MR. CHISHOLM:** Pina DeBellis?

23 **MR. HALL:** I don't think I had any
24 conversation with her, unless she was -- came in to a
25 meeting when we were over there. I don't have a conscious

1 recollection. I know my officers did.

2 MR. CHISHOLM: I thought I saw her name in
3 your notes, and I can't take you ---

4 MR. HALL: Well, I may have put her name in
5 my notes, but I don't recall meeting with her.

6 MR. CHISHOLM: Okay.

7 Can I take you, please, to Exhibit 2746? In
8 terms of your dealings --I'll let you get the exhibit.

9 MR. HALL: Page number?

10 MR. CHISHOLM: It would be Bates 7109673.

11 MR. HALL: Yes.

12 MR. CHISHOLM: So you're telling us -- if I
13 understand your last answer, you're telling us most of your
14 dealings were with Mr. Abell and Mr. Carriere; is that fair
15 to say?

16 MR. HALL: I would think so. Probably
17 Mr. Abell, more than anyone.

18 MR. CHISHOLM: And the page that I've taken
19 you to, that reflects a contact that you had with Mr. Abell
20 on November the 13th, 1997? Is that ---

21 MR. HALL: At 15:10?

22 MR. CHISHOLM: Yes.

23 MR. HALL: Yes.

24 MR. CHISHOLM: And that -- you've made a
25 note of Mr. Abell contacting you with respect to an Albert

1 Lalonde; is that right?

2 MR. HALL: Yes.

3 And Constable Genier was assigned to contact
4 Lalonde.

5 MR. CHISHOLM: That's the next dash in your
6 note, "Don assigned ---"

7 MR. HALL: Yes.

8 MR. CHISHOLM: "--- February 1st" ---

9 MR. HALL: Yes.

10 MR. CHISHOLM: -- it refers to Constable
11 Genier?

12 MR. HALL: Yes.

13 MR. CHISHOLM: Then if I could take you
14 next, please, to Exhibit 2747? The Bates page is 7109828.
15 And let me know when you're there, sir?

16 MR. HALL: The Bates page again?

17 MR. CHISHOLM: It's 7109828.

18 MR. HALL: This is a different document?

19 MR. CHISHOLM: You're in -- sorry, 2747,
20 sir? I've switched notebooks on you. Two, seven, four,
21 seven (2747)? It's on the screen; you can look at it, sir.

22 MR. HALL: I'll go with the screen.

23 MR. CHISHOLM: You'll see the May 22nd, '98,
24 entry.

25 MR. HALL: Yes. "Call from Bill Carriere?"

1 **MR. CHISHOLM:** Yes. "... on six victims of
2 Bernie Campbell?"

3 **MR. HALL:** Yes.

4 **MR. CHISHOLM:** And that will be another
5 example of a contact that you had with the CAS; is that
6 right?

7 **MR. HALL:** Yes. And a call back to him, on
8 Leduc, with regards to Big Brothers.

9 **MR. CHISHOLM:** And I'll come back to
10 that ---

11 **MR. HALL:** Okay.

12 **MR. CHISHOLM:** --- after the Mr. Leduc
13 issue.

14 I'd like to take you to Exhibit 2750, Bates
15 page 7110149.

16 **MR. HALL:** Yes.

17 **MR. CHISHOLM:** Yes. This is a May 31, 1999,
18 entry ---

19 **MR. HALL:** Ten thirty (10:30)?

20 **MR. CHISHOLM:** Pardon me?

21 **MR. HALL:** At 10:30

22 **MR. CHISHOLM:** Yes.

23 **MR. HALL:** "Message from Richard Abell to
24 call, re: he got a call from the
25 Bishop and allegations about a priest

1 in Montreal?"

2 **MR. CHISHOLM:** Yes. So, do I take it from
3 that note, Mr. Abell had contacted you?

4 **MR. HALL:** Yes.

5 **MR. CHISHOLM:** I'm going to take you over to
6 Bates page 0151 of the same exhibit, and the date is June
7 the 2nd, '99, that I'm interested in, at the bottom of that
8 page.

9 **MR. HALL:** It's:

10 "Call from Richard Abell. Advised him
11 of the eight names we had on Jean-Luc
12 Leblanc. Also four people gave
13 statements about their abuse to Crown
14 attorney for his opinion."

15 **MR. CHISHOLM:** And then, the next dash
16 reads -- can you read that to me, please?

17 **MR. HALL:** "He advised he got a call from
18 the Bishop about Father Dubé being
19 charged sexual assault, 13 to 16 year
20 olds."

21 **MR. CHISHOLM:** Then, "Calling under
22 protocol?" Is that what that reads?

23 **MR. HALL:** Yes, I was calling under the
24 protocol.

25 **MR. CHISHOLM:** Well, were you calling --were

1 you calling Mr. Abell, or was Mr. Abell ---

2 **MR. HALL:** I think he was calling me under
3 their protocol, would be the way you'd interpret it.

4 **MR. CHISHOLM:** So when you made reference to
5 "protocol," -- "calling under protocol," is that Mr. Abell
6 that said that to you?

7 **MR. HALL:** Yes, he called me. And he -- I
8 think he was advising me -- he was just advising me because
9 of their protocol.

10 **MR. CHISHOLM:** Did you understand what
11 protocol he was speaking of whenever ---

12 **MR. HALL:** Well, it would have been
13 some -- there was protocols drawn up between the -- the
14 various agencies, and the Ontario Provincial Police in that
15 area, the same as in the area I was.

16 I didn't specifically have a copy of it, per
17 se, but my investigators were quite aware of it, and that's
18 what it would have been.

19 **MR. CHISHOLM:** So you understood it was a
20 protocol between ---

21 **MR. HALL:** Yes.

22 **MR. CHISHOLM:** --- the OPP and ---

23 **MR. HALL:** Yes.

24 **MR. CHISHOLM:** --- a number of ---

25 **MR. HALL:** Yes.

1 **MR. CHISHOLM:** --- other agencies?

2 **MR. HALL:** Yes. And how -- how we would
3 keep other -- each other apprised of investigations.

4 **MR. CHISHOLM:** Would you agree with me sir,
5 that when the members of the Project Truth investigation
6 team sought information from the CAS, they'd receive
7 information?

8 **MR. HALL:** Yeah, I would say that. I know
9 of no circumstances when we didn't, to my knowledge.

10 **MR. CHISHOLM:** You were happy with the level
11 of co-operation between the CAS and ---

12 **MR. HALL:** Yes, I was.

13 **MR. CHISHOLM:** During the course of the
14 Project Truth investigation, when you would arrest an
15 individual and you had concerns with respect to them coming
16 into contact with children, would it be fair to say that
17 you would take steps to ensure that conditions were placed
18 ---

19 **MR. HALL:** Yes.

20 **MR. CHISHOLM:** --- upon that person ---

21 **MR. HALL:** Yes.

22 **MR. CHISHOLM:** --- in accordance with their
23 release from custody?

24 **MR. HALL:** It would be a condition of their
25 release, yes.

1 **MR. CHISHOLM:** And if I could hand up to
2 Madam Clerk a document that everybody had notice on. It's
3 Document 116213 and it's an extract from that document.

4 **THE COMMISSIONER:** Thank you. Exhibit 2837
5 is an undertaking given to a justice of the peace re
6 Jacques Leduc, dated 22nd of June 1998 in the City of
7 Cornwall.

8 **---EXHIBIT NO./PIÈCE NO P-2837:**

9 (116213 - 1088159-61) - Undertaking given to
10 Justice or a Judge re: Jacques Leduc dated
11 22 Jun 98

12 **MR. CHISHOLM:** Mr. Commissioner, I would
13 submit we would need a publication ban on this document,
14 given the ---

15 **THE COMMISSIONER:** Yes, certainly. Thank
16 you.

17 **MR. CHISHOLM:** Thank you.

18 Inspector Hall, you have the undertaking I
19 handed up to the clerk in front of you now?

20 **MR. HALL:** Yes.

21 **MR. CHISHOLM:** You recognize this document,
22 do you?

23 **MR. HALL:** Yes.

24 **MR. CHISHOLM:** And this was the undertaking
25 given to a justice, that was the undertaking of Mr. Leduc;

1 is that right?

2 MR. HALL: Yes, at his bail hearing.

3 MR. CHISHOLM: And if you turn to the last
4 page of the document, which is Bates page 1088161 Front,
5 you'll see a continuation of the conditions attached.

6 MR. HALL: Yes.

7 MR. CHISHOLM: And this one is "Not to be
8 alone with any male persons under the age of 18 years."
9 Correct?

10 MR. HALL: That's right.

11 MR. CHISHOLM: Did you have a hand in
12 crafting the bail conditions with respect to Mr. Leduc in
13 June of 1998?

14 MR. HALL: Personally, no. I believe it
15 would have been the Crown attorney because it was a bail
16 hearing.

17 MR. CHISHOLM: You don't recall having any
18 input into ---

19 MR. HALL: Well, we knew -- they knew we
20 wanted conditions. Even, we put conditions on when we
21 released on a promise to appear for a police officer as
22 well.

23 MR. CHISHOLM: And you would have made that
24 condition -- or, you and Project Truth team would have made
25 that condition known to the Crown? Is that fair?

1 **MR. HALL:** Yes, definitely.

2 **MR. CHISHOLM:** If I could talk to you a bit
3 about the duty to report, back on December the 3rd, during
4 your evidence in-chief, you had a discussion with Mr.
5 Engelmann with respect to the duty to report.

6 **MR. HALL:** Yes.

7 **MR. CHISHOLM:** And in particular, the
8 discussion that you had with the other officers on the
9 Project Truth team.

10 **MR. HALL:** Yes.

11 **MR. CHISHOLM:** About the duty to report
12 contained in the *Child and Family Services Act*. Do you
13 recall that evidence?

14 **MR. HALL:** Yes.

15 **MR. CHISHOLM:** And you told Mr. Engelmann
16 that there was a -- you had an actual booklet published by
17 the Ministry of Community and Social Services in your
18 office ---

19 **MR. HALL:** Yes, I did.

20 **MR. CHISHOLM:** -- that dealt with the duty
21 to report?

22 **MR. HALL:** Yes.

23 **MR. CHISHOLM:** Can you recall back to that
24 time and tell us what was contained in the booklet? Do you
25 recall what the booklet said to the reader in terms of the

1 duty to report?

2 MR. HALL: The book was, it was -- it wasn't
3 a full-size page, it was like a -- about six inches by
4 maybe eight inches and it was approximately a half-inch
5 thick. I can't quote you the section numbers on it or -- I
6 mean, it's been a long time, I'd have to really see it to
7 ---

8 MR. CHISHOLM: Okay, that's fair.

9 MR. HALL: --- give you the wording.

10 MR. CHISHOLM: And back in 19 -- in May of
11 1998, if I could take you back then, are you able to tell
12 us what your understanding was of the duty to report; so
13 not your understanding today, but in May of 1998?

14 MR. HALL: Yes.

15 MR. CHISHOLM: Can you tell us what that was
16 back then?

17 MR. HALL: Well, we would have followed the
18 guidelines within the document; to report to the CAS
19 incidents or allegations or suspicions involving children.
20 I can't recall the exact wording of it.

21 MR. CHISHOLM: That's fair. Prior to
22 joining the Project Truth team, had you ever reported to a
23 society pursuant to the duty to report that was contained
24 in the legislation?

25 MR. HALL: Yes, many times. I did

1 investigations with CAS. Some were known as Family and
2 Children Services, some were known as CAS.

3 **MR. CHISHOLM:** Throughout the province.

4 **MR. HALL:** Well, throughout the counties
5 that I was responsible for, namely Renfrew, Leeds,
6 Grenville and Lanark.

7 **MR. CHISHOLM:** And if I understand your
8 evidence in-chief, you told Mr. Engelmann that you were
9 reporting to the CAS all cases where there was an
10 allegation of abuse against a child, even if it was
11 historical; is that right?

12 **MR. HALL:** That's right.

13 **MR. CHISHOLM:** And can I take it from that,
14 that with respect to the charges that were laid by the
15 Project Truth team that you would have -- you would have
16 had a belief that a child was or may have been in need of
17 protection in all cases?

18 **MR. HALL:** Well, the historic ones, it
19 happened some time ago. They would have been back at the
20 time, but, I mean ... In the current ones, Jean-Luc
21 Leblanc, --

22 **MR. CHISHOLM:** You had ---

23 **MR. HALL:** -- definitely.

24 **MR. CHISHOLM:** You had current ones. You
25 had Jean-Luc Leblanc, you had allegations ---

1 **MR. HALL:** And Mr. Leduc's case.

2 **MR. CHISHOLM:** Mr. Leduc's. So those are
3 two current ones.

4 **MR. HALL:** Two current ones.

5 **MR. CHISHOLM:** With respect to some of the
6 historical allegations that you dealt with, did you have a
7 belief at that time, in all cases where charges were laid,
8 that a child was or may have been in need of protection?

9 **MR. HALL:** Back when they were in that age
10 group?

11 **MR. CHISHOLM:** No, back whenever you're
12 laying any particular charge.

13 **MR. HALL:** I don't quite understand your
14 question.

15 **MR. CHISHOLM:** When you're laying -- there
16 were a number of charged individuals.

17 **MR. HALL:** Yes.

18 **MR. CHISHOLM:** If I follow your evidence
19 from what you said to Mr. Engelmann, you reported -- you
20 reported to the CA -- you're of the view that you reported
21 to CAS in all cases.

22 **MR. HALL:** Yes.

23 **MR. CHISHOLM:** So I'm asking you, in those
24 cases, were you of the view that a child was or may have
25 been in need of protection, when you made the report?

1 **MR. HALL:** Did I know somebody needed to be
2 in protection? Is that what you're saying? I didn't have
3 any specific ---

4 **MR. CHISHOLM:** So you had no ---

5 **MR. HALL:** -- person, no.

6 **MR. CHISHOLM:** -- no specific concerns that
7 any child was in need of protection. Is that fair to say?

8 **MR. HALL:** Yes. Yes.

9 **MR. CHISHOLM:** And when you would approach
10 the CAS, as I can see in your notes, you would approach the
11 CAS from time to time and advise that a person was about to
12 be charged. Is that fair to say?

13 **MR. HALL:** Yes. There was occasions when I
14 notified them prior -- just prior to, maybe a day before or
15 a day after. It was sometimes twice; even before and then
16 again after.

17 **MR. CHISHOLM:** Now, in those cases when you
18 were in contact with the CAS, were you -- were you of the
19 view that you were making a report pursuant to the duty to
20 report --

21 **MR. HALL:** Yes.

22 **MR. CHISHOLM:** -- or ---

23 **MR. HALL:** Well, I was -- I was -- can you
24 say I was being sure, whether I really needed to in some of
25 them or not, I reported them anyway.

1 **MR. CHISHOLM:** And in those cases where you
2 were being sure, were you also -- were you providing the
3 information upon which your belief was based? I'm not sure
4 that you could if you didn't have a child, if you didn't --
5 -

6 **MR. HALL:** Well, I didn't make all the
7 notifications, some of them were made by my officers.

8 **MR. CHISHOLM:** That's fair.

9 **MR. HALL:** And they had an ongoing working
10 relationship with CAS, because they were from that area, in
11 the day-to-day operations prior to Project Truth they were
12 involved. So they would give more information than I
13 would.

14 I would basically give them the names and
15 the circumstances and the suspect and that sort of thing.
16 So they wanted to come back -- I know for a fact -- you
17 mentioned one name there -- there was interaction between
18 the investigators and CAS directly that I wasn't involved
19 in.

20 **MR. CHISHOLM:** That's Ms. DeBellis, is it?

21 **MR. HALL:** Well, that's one of them, but I
22 think there was others as well.

23 **MR. CHISHOLM:** Okay.

24 **MR. HALL:** I recall Detective Constable
25 Dupuis being involved with somebody else in the CAS. I

1 can't give you the name, but ---

2 **MR. CHISHOLM:** We know in May of 1997,
3 Inspector Smith and Constable Genier and Constable Seguin
4 attended at the CAS and met with Rick Abell and Bill
5 Carriere. I believe you were in New Brunswick at the time.

6 **MR. HALL:** That's correct.

7 **MR. CHISHOLM:** And at that meeting, there
8 was an agreement that the parties would keep each other
9 informed?

10 **MR. HALL:** Yes.

11 **MR. CHISHOLM:** You understood that?

12 **MR. HALL:** Yes.

13 **MR. CHISHOLM:** Someone told you that
14 following that meeting. Is that fair to say?

15 **MR. HALL:** Yes.

16 **MR. CHISHOLM:** When I look at your material,
17 your notes, is it -- I get the impression that the exchange
18 of information that you had with the CAS could have been
19 along the lines of that agreement whereby the CAS and the
20 OPP decided they would share information and keep each
21 other informed as opposed to you complying with your duty
22 to report as set out in the legislation.

23 Is that a fair reading?

24 **MR. HALL:** Yeah, I wouldn't disagree with
25 that.

1 **MR. CHISHOLM:** If I can take you back,
2 please, to Exhibit 2747? And the Bates page is 9827, at
3 the bottom is the 16:15 entry.

4 **MR. HALL:** Yes.

5 **MR. CHISHOLM:** You touched upon this in your
6 -- during Mr. Lee's cross-examination yesterday. This was
7 the meeting when you attend at the CAS with Inspector Smith
8 and you met with ---

9 **MR. HALL:** Bill Carriere.

10 **MR. CHISHOLM:** And Richard Abell; is that
11 right?

12 **MR. HALL:** Yes.

13 **MR. CHISHOLM:** And going on to the following
14 page, it reads:

15 "Detective Inspector Smith outlined
16 some aspects of our investigation."

17 **MR. HALL:** Yes.

18 **MR. CHISHOLM:** And then does it say
19 "notified"? What's that next word?

20 **MR. HALL:** "Notified about Jacques Leduc
21 and Richard Hickerson. Discussed
22 pending charges."

23 **MR. CHISHOLM:** Now, listening to your cross-
24 examination by Mr. Lee yesterday, I took your evidence to
25 be that you do not have a great recollection of that

1 meeting. Is that accurate?

2 MR. HALL: That's accurate, yes. If I
3 hadn't had those notes, I probably wouldn't remember what
4 we discussed.

5 MR. CHISHOLM: So is it fair to say -- are
6 you limited in what you can tell us about that meeting to
7 your notes? Do you have an independent recollection apart
8 from your notes?

9 MR. HALL: No, I don't.

10 MR. CHISHOLM: And then yesterday, whenever
11 Mr. Lee was cross-examining you in terms of the information
12 that was provided to the CAS, you started your answer by
13 stating "I think we would have."

14 And I took that to mean that you couldn't be
15 precise in terms of what information was exchanged between
16 the CAS and the OPP. Is that fair?

17 MR. HALL: I think I would have what?

18 MR. CHISHOLM: I can take you ---

19 MR. HALL: What context was I making that
20 comment in?

21 MR. CHISHOLM: Let me take you to Exhibit --
22 sorry, the transcript is Volume 321, yesterday's volume,
23 and then at page 140.

24 MR. HALL: Yes.

25 MR. CHISHOLM: And if I take you down to

1 line 20, you'll see Mr. Lee says:

2 "Do you have any specific recollection
3 of what information you provided to the
4 CAS in relation to Mr. Leduc?"

5 **MR. HALL:** Yes.

6 **MR. CHISHOLM:** And then you say -- your
7 response on line 23 is:

8 "I think we would have."

9 Then:

10 "Inspector Smith would have advised
11 them the reasons why we had a concern
12 with him hiring some people for the
13 summer."

14 **MR. HALL:** Yes.

15 **MR. CHISHOLM:** Would you agree, in that
16 context, you're surmising as to what would have been said
17 at that meeting? Is that fair to say?

18 **MR. HALL:** Yes.

19 **MR. CHISHOLM:** And if you still have Exhibit
20 2747 in front of you, at Bates page 9828, the first two
21 lines:

22 "Detective Inspector Smith outlines
23 some aspects of our investigation."

24 Do you see that?

25 Do you have the exhibit, sir? It's on the

1 screen, the first two lines.

2 MR. HALL: Yes.

3 MR. CHISHOLM: The first three lines.

4 MR. HALL: Yes.

5 MR. CHISHOLM: Am I correct, given the state
6 of your recollection of the meeting, you can't tell us as
7 to what exactly -- what aspects were outlined by Detective
8 Inspector Smith?

9 MR. HALL: It would have been the events or
10 information we had surrounding Jacques Leduc and Richard
11 Hickerson.

12 MR. CHISHOLM: You can't be any more
13 specific than that. Is that fair to say?

14 MR. HALL: Well, I think in regards to the
15 Jacques Leduc case, the reason we were acting as quick as
16 we could is because the school year was about to be
17 finished and he was going to be, at least we believed,
18 hiring some young people to work for him.

19 MR. CHISHOLM: Yes.

20 MR. HALL: And these allegations that we
21 were investigating concerned that very thing in previous
22 years. So I would have thought we would ---

23 MR. CHISHOLM: But that's it; you would have
24 thought. You can't ---

25 MR. HALL: Well, I don't have a specific

1 recollection today of mentioning that, but I ---

2 MR. CHISHOLM: That's fair enough.

3 MR. HALL: But I know Detective Inspector
4 Smith did most of the talking and that's probably what he
5 related.

6 MR. CHISHOLM: Probably, but you ---

7 MR. HALL: I can't say specifically because
8 I can't recall.

9 MR. CHISHOLM: That's fair.

10 And yesterday you told Mr. Lee that you
11 recall the names of C-16 and C-17. Do you need the moniker
12 list to know who those individuals are?

13 MR. HALL: Yes.

14 MR. CHISHOLM: You need to see the list?

15 MR. HALL: I know who C-16 is.

16 MR. CHISHOLM: And C-17?

17 MR. HALL: Well, he's connected to C-16,
18 right, same allegations? I could look and ---

19 MR. CHISHOLM: Take a peek, if you could.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. HALL: Yes.

22 MR. CHISHOLM: And yesterday you told Mr.
23 Lee that the names of C-16 and C-17 may not have been given
24 during that meeting with the CAS in May of 1998. Is that -
25 - do you recall that evidence?

1 **MR. HALL:** Yes.

2 **MR. CHISHOLM:** And if you look at your notes
3 at Exhibit 2747, there's no indication in your notes that
4 those names were shared with the CAS. Would you agree with
5 me?

6 **MR. HALL:** Yes.

7 **MR. CHISHOLM:** Now, if I could take you,
8 please, to Exhibit 2750, and it's Bates page 0091 I'm
9 interested in. Sorry, it's 7110091, and there would be a
10 date of March 12, 1999.

11 **MR. HALL:** Yes.

12 **MR. CHISHOLM:** And the 9:30 entry on that
13 page, Inspector ---

14 **MR. HALL:** "Call to Richard Abell. Given
15 information on suspects and victims on
16 arrest yesterday."

17 **MR. CHISHOLM:** So in that note, you made a
18 specific note of telling Mr. Abell of the suspects and the
19 victims. Do you see that?

20 **MR. HALL:** Yes. That would have included
21 Jean-Luc Leblanc's additional victims.

22 **MR. CHISHOLM:** I don't know if you can do
23 this off the top of your head, but the suspects that were
24 arrested on the day before, were the four of them? The day
25 prior to March 12, 1999? Jacques ---

1 MR. HALL: Yeah, the ---

2 MR. CHISHOLM: Jacques Leduc, Jean-Luc
3 Leblanc?

4 MR. HALL: Yes.

5 MR. CHISHOLM: Bernard Sauv e?

6 MR. HALL: Yes.

7 MR. CHISHOLM: Kenneth Martin?

8 MR. HALL: Yes.

9 MR. CHISHOLM: That fits with -- it purports
10 to your recollection?

11 MR. HALL: Yes. And the one that didn't
12 show up, that we went and knocked on the door.

13 MR. CHISHOLM: Okay. And with respect to
14 the March 11, 1999 arrest of Jacques Leduc, those charges
15 related to the allegations made by C-22; is that right?
16 And you can take a peek at the moniker list, to see who C-
17 22 is.

18 MR. HALL: Yes.

19 MR. CHISHOLM: Okay. So you make a note, in
20 Exhibit 2750, of specifically stating you told Mr. Abell
21 about the identity of the victims?

22 MR. HALL: Yes.

23 MR. CHISHOLM: We don't see that in
24 the -- in the previous exhibit we were looking at, the
25 meeting with Bill Carriere and Richard Abell in May of

1 1998.

2 MR. HALL: That's prior to.

3 MR. CHISHOLM: Right.

4 MR. HALL: Yes.

5 MR. CHISHOLM: If I could take you next to
6 Exhibit 2749, please, and Bates page is 7110026. The 13:50
7 entry is what I'm interested in.

8 MR. HALL: "Call to Richard Abell,
9 up-dated on Jean-Luc Leblanc, will
10 arrest tomorrow. Given names of
11 victims and circumstances, and names
12 of ---"

13 MR. CHISHOLM: Okay. Don't mention that
14 name.

15 MR. HALL: Yeah. I won't.

16 MR. CHISHOLM: So you can ---

17 MR. HALL: "...and background on family."

18 MR. CHISHOLM: Okay. So in that note, we
19 see where you've specified that you gave Mr. Abell the
20 name -- the names of victims. Is that fair to say?

21 MR. HALL: Yes.

22 MR. CHISHOLM: And would that be C-21 and C-
23 82? You can look at the moniker list if you need help.

24 MR. HALL: Could you tell me what date that
25 was on?

1 **MR. CHISHOLM:** Sorry. January the -- my
2 understanding is it would be on January the 4th, '99, and
3 you have to go back two pages to come to that conclusion,
4 at Bates page 7110024. I see a -- just below the redacted
5 portion, "Monday, 04 Jan 99."

6 **MR. HALL:** Yes.

7 **MR. CHISHOLM:** So the victims who were
8 identified to Mr. Abell would be C-21 and C-82; is that
9 right?

10 **MR. HALL:** Yes.

11 **MR. CHISHOLM:** Okay. Now, going back to
12 that meeting in May of 1998 that you had with Mr. Carriere
13 and Mr. Abell, am I correct it was your understanding that
14 C-16 and C-17 were over the age of 16 years at the time?
15 Sorry, not under the age of 16 years, might be a better way
16 to put it?

17 **MR. HALL:** I wouldn't disagree.

18 **MR. CHISHOLM:** And would you agree with me
19 that during that meeting, you did not provide the interview
20 reports of C-16 and C-17 to the CAS?

21 **MR. HALL:** The interview reports?

22 **MR. CHISHOLM:** Yes, that would have been in
23 your possession. You would have had, I believe, three
24 interview reports, by that date, that would have been ---

25 **MR. HALL:** We hadn't -- we hadn't laid the

1 charges by that time.

2 MR. CHISHOLM: Oh, I understand that ---

3 MR. HALL: Yeah. No, we wouldn't have
4 provided them.

5 MR. CHISHOLM: And would you agree with me
6 that if the names of C-16 and C-17 were not provided to the
7 CAS, that the CAS would not have been in a position to
8 interview those individuals?

9 MR. HALL: On the 22nd of May?

10 MR. CHISHOLM: Yes.

11 MR. HALL: Yes, I agree. But I can't say
12 they weren't provided either.

13 MR. CHISHOLM: I'm sorry?

14 MR. HALL: I can't say they weren't
15 provided.

16 MR. CHISHOLM: We're stuck with your -- your
17 notes; is that fair to say?

18 MR. HALL: Yes.

19 MR. CHISHOLM: And during your cross-
20 examination yesterday, by Mr. Lee, you agreed with Mr. Lee,
21 his suggestion that you attended at the CAS on May the 21st,
22 1998, in order to comply with your duty to report?
23 That's -- Mr. Lee put that suggestion to you yesterday, and
24 you agreed with him?

25 MR. HALL: Yes, I think it -- when I

1 attended?

2 **MR. CHISHOLM:** Yes. Mr. Lee suggested to
3 you the reason you went there on May the 21st, 1998, was to
4 fulfill your duty to report to a society.

5 **MR. HALL:** That may have been one. Could I
6 see my notes for that day?

7 **MR. CHISHOLM:** Certainly. Well, the note on
8 that day is Exhibit 2747, and it's -- the Bates page is
9 7109828. I'm sorry; it starts on 827 at 16:50.

10 I'm not sure that you'll see the -- any
11 reason given in your notes as to why you were there, other
12 than the fact that you discussed the Hickerson and Leduc
13 matters.

14 **MR. HALL:** Well, I think -- I think we
15 were -- it's not just in the context of duty to report, we
16 were there to provide information and -- on our
17 investigation.

18 **MR. CHISHOLM:** Pursuant to the understanding
19 that the OPP and the CAS had arrived at a year earlier?

20 **MR. HALL:** Yes.

21 **MR. CHISHOLM:** And would it be fair for me
22 to suggest to you that on May the 21st, 1998, you would not
23 have had any knowledge of any young persons who were
24 employed by Mr. Leduc at that time?

25 **MR. HALL:** That's true.

1 **MR. CHISHOLM:** Okay. And you were concerned
2 with respect to -- you touched upon this in your evidence
3 today, and I believe yesterday -- you were concerned with
4 respect to the end of the school year coming up and -- and
5 Mr. Leduc perhaps employing other young persons? Is that
6 fair to say?

7 **MR. HALL:** Well, that -- that information
8 came to us, I believe, primarily, from the interview
9 reports of the -- the alleged victims that we were dealing
10 with.

11 That was the circumstances, and that was
12 the -- the timeframe that the allegations allegedly took
13 place was during the summer months, so it would -- we had a
14 reason to believe that he was probably going to hire some
15 more kids.

16 **MR. CHISHOLM:** And can you explain why there
17 was approximately a month that elapsed, from May the 22nd of
18 1998 until the charges were laid on, I believe it was June
19 the 22nd, of '98? Given that concern, why it would have
20 been that month that elapsed without charges being laid?

21 **MR. HALL:** I don't know. I'd have to know
22 the date of my last interview, and the date that I had
23 to -- that we had the brief completed.

24 I know I -- I personally laid those charges.
25 I went to a Justice of the Peace in Brockville, actually.

1 We did have -- we did have difficulties dealing with the
2 local courts; they didn't really want to deal with any of
3 our matters.

4 **MR. CHISHOLM:** And when you say, "the local
5 courts?"

6 **MR. HALL:** In Cornwall.

7 **MR. CHISHOLM:** In Cornwall.

8 **MR. HALL:** Well, for instance, when were
9 trying to get a subpoena for Mr. Dunlop in British
10 Columbia, Justice MacPhee wouldn't sign it. I had to go to
11 Ottawa to get one. He just didn't want to deal with it.

12 So, in the interest of keeping it
13 confidential, I laid the Informations myself, from an out-
14 of-town Justice of the Peace, and, subsequently,
15 Ms. Hallett added additional charges. She requested
16 additional charges be laid, which were laid at a later
17 date. I think Detective Constable Dupuis looked after that
18 from then on.

19 **MR. CHISHOLM:** You can understand in some
20 circumstances, in terms of potential conflicts arising, why
21 it might be necessary for ---

22 **MR. HALL:** Yes.

23 **MR. CHISHOLM:** --- you to go outside ---

24 **MR. HALL:** Yes.

25 **MR. CHISHOLM:** --- jurisdiction?

1 **MR. HALL:** Yes.

2 **MR. CHISHOLM:** Those are my questions for
3 you, Inspector Hall.

4 **MR. HALL:** Thank you.

5 **MR. CHISHOLM:** Thank you very much for your
6 time, and I hope you get back to Texas and enjoy some of
7 the nicer weather than what you're experiencing here.

8 **MR. HALL:** Hopefully, Saturday morning.

9 **MR. CHISHOLM:** Thank you.

10 **THE COMMISSIONER:** All right. Let's take
11 lunch. Thank you; be back at 2:00.

12 **THE REGISTRAR:** Order; all rise. À l'ordre;
13 veuillez vous lever.

14 This hearing will resume at 2:00 p.m.

15 --- Upon recessing at 12:34 p.m./

16 L'audience est suspendue à 12h34

17 --- Upon resuming at 2:07 p.m./

18 L'audience est reprise à 14h07

19 **THE REGISTRAR:** Order. All rise.

20 À l'ordre; veuillez vous lever. This
21 hearing is now resumed.

22 Please be seated. Veuillez vous asseoir.

23 **THE COMMISSIONER:** Mr. Callaghan?

24 **PATRICK HALL, Resumed/Sous le même serment:**

25 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

1 **CALLAGHAN:**

2 **MR. CALLAGHAN:** Just to advise, Mr.
3 Commissioner, I have not taken over the role of the Crown.

4 **THE COMMISSIONER:** From the Crown?

5 **MR. CALLAGHAN:** The Attorney General, sorry.
6 But allow me to go forward.

7 **THE COMMISSIONER:** Oh, okay.

8 **MR. CALLAGHAN:** So I can leave in daylight,
9 if that's acceptable to you.

10 **THE COMMISSIONER:** Fine.

11 **MR. CALLAGHAN:** Mr. Hall, I am John
12 Callaghan. As you're probably aware, I act for the
13 Cornwall Police Services.

14 I have a number of areas I want to cover
15 with you. I would like to first start with your
16 investigation of the allegations of conspiracy relating to
17 the Cornwall Police Service. Okay?

18 **MR. HALL:** Yes, sir.

19 **MR. CALLAGHAN:** All right. And that
20 investigation basically arises out of Mr. Dunlop's binders
21 that he sent to Chief Fantino; correct?

22 **MR. HALL:** Yes.

23 **MR. CALLAGHAN:** And it is based on the
24 allegations that were in his Statement of Claim and
25 affidavits particularly by one Ron Leroux; correct?

1 **MR. HALL:** Correct.

2 **MR. CALLAGHAN:** And as I understand your
3 evidence, you had an eye towards that conspiracy allegation
4 throughout your time at Project Truth, but you really
5 started in earnest sometime after 2001 or 2000-2001?

6 **MR. HALL:** Yes.

7 **MR. CALLAGHAN:** And that's after you had
8 received Dunlop's will say and the documents attached?

9 **MR. HALL:** Correct.

10 **MR. CALLAGHAN:** All right. So stepping back
11 a moment, if I read your C.V. correctly, you were
12 responsible for internal investigations at the OPP from
13 1996 through to 1997?

14 **MR. HALL:** Yes.

15 **MR. CALLAGHAN:** All right. So I take it you
16 were accustomed to investigating police officers?

17 **MR. HALL:** Yes.

18 **MR. CALLAGHAN:** And I take it you charged
19 them from time to time when necessary?

20 **MR. HALL:** I've been responsible for
21 charges, yes.

22 **MR. CALLAGHAN:** And so it's fair to say, if
23 I might, that you're not squeamish about either
24 investigating the police or charging when you think it's
25 warranted?

1 **MR. HALL:** None whatsoever.

2 **MR. CALLAGHAN:** All right. And now, the
3 Statement of Claim had more people than the affidavit did
4 about the allegations of a conspiracy. You recall that he
5 sued, for example, Acting Chief Carl Johnston who wasn't
6 around when the alleged conspiracy happened; correct?

7 **MR. HALL:** Correct.

8 **MR. CALLAGHAN:** And he sued Joe St. Denis
9 who he made no allegations about a conspiracy?

10 **MR. HALL:** Correct.

11 **MR. CALLAGHAN:** And the same goes for
12 Brendon Wells?

13 **MR. HALL:** Correct.

14 **MR. CALLAGHAN:** And well his Statement of
15 Claim generally centred on Claude Shaver and Stuart
16 McDonald; correct?

17 **MR. HALL:** Yes.

18 **MR. CALLAGHAN:** And there might have been
19 some loose reference to Luc Brunet in some of the
20 documents, but that was rather uncertain. Is that fair to
21 say?

22 **MR. HALL:** Correct. Right.

23 **MR. CALLAGHAN:** Now all those people, Claude
24 Shaver, Carl Johnston, Joe St. Denis, Luc Brunet, Brendon
25 Wells and Stuart McDonald, did you have any prior

1 relationship with any of them?

2 MR. HALL: None; never knew them.

3 MR. CALLAGHAN: All right. And as an
4 experienced officer, you were aware for conspiracy,
5 particularly conspiracy to obstruct; you need an agreement
6 with two or more people to commit the illegal act of
7 obstruction?

8 MR. HALL: Correct.

9 MR. CALLAGHAN: And you are aware that Perry
10 Dunlop, in his Statement of Claim and in other areas, was
11 alleging that part of the conspiracy -- or a large part of
12 this conspiracy took place on Stanley Island, where amongst
13 others, it's alleged that former Chief Shaver, Stuart
14 McDonald, the Bishop, et cetera, attended?

15 MR. HALL: Correct.

16 MR. CALLAGHAN: Now, Perry Dunlop testified
17 at one of the criminal proceedings, I believe it was Father
18 Charlie McDonald's (11(B)) that the sole person who made
19 the allegation regarding Stanley Island was one Ron Leroux.
20 Were you aware of that?

21 MR. HALL: That's my understanding, yes.

22 MR. CALLAGHAN: All right. And I take it
23 you had available to you the various statements of Ron
24 Leroux?

25 MR. HALL: Yes.

1 **MR. CALLAGHAN:** For example, he did his
2 first affidavit or a statement dated October 10th, I
3 believe, 1996, where he referred to, for example, Malcolm
4 MacDonald and others being like a clan that went to the
5 Highland Games; correct?

6 **MR. HALL:** Correct, right.

7 **MR. CALLAGHAN:** And then you were able to
8 see through those statements, including notes of October
9 11th, affidavit October 31st, affidavit in November of '96
10 and December that the story changed over those various
11 documents; right?

12 **MR. HALL:** Yes.

13 **MR. CALLAGHAN:** All right. And you also had
14 available to you the videotaped interview done by your
15 colleagues in Orillia in, I believe, February '97?

16 **MR. HALL:** Yes.

17 **MR. CALLAGHAN:** And you've also indicated
18 that you subsequently reviewed Dunlop's interview, video
19 interview or alleged photo line-up, I should put it, of Ron
20 Leroux done sometime in the fall of '96, I believe.

21 **MR. HALL:** Yes.

22 **MR. CALLAGHAN:** All right. And you,
23 yourself, interviewed Mr. Ron Leroux in November '97?

24 **MR. HALL:** Correct.

25 **MR. CALLAGHAN:** And you are aware that the

1 various statements were made either in the presence of one
2 or all of Perry Dunlop, Charles Bourgeois or Carson
3 Chisholm?

4 MR. HALL: Correct.

5 MR. CALLAGHAN: And you also, in the course
6 of your investigation, interviewed members of the Cornwall
7 police?

8 MR. HALL: Yes, I did.

9 MR. CALLAGHAN: All right And if we could
10 just -- for example, you interviewed Claude Shaver?

11 MR. HALL: Yes.

12 MR. CALLAGHAN: And if I could just put up
13 Exhibit 2750, Bates page 154. This is out of your notes,
14 just to show a little a clip. No need to go to it. Put it
15 on the screen. Bates page 154.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. CALLAGHAN: All right. And if you see
18 that there, if I'm reading that right, you put a call in to
19 Claude Shaver. He is living in Florida at the time?

20 MR. HALL: Yes.

21 MR. CALLAGHAN: And you ask, and he says he
22 wants to be interviewed; doesn't he? Isn't that what the
23 note says?

24 MR. HALL: Yes. He had previously called
25 our office. It was around the time that there was

1 speculation going around that him and Ron Wilson had
2 committed suicide.

3 MR. CALLAGHAN: Right, but your discussions
4 with him were he wanted to be interviewed?

5 MR. HALL: Yes.

6 MR. CALLAGHAN: He wanted this cleared up?

7 MR. HALL: Well, he wanted to be interviewed
8 and we wanted to interview him.

9 MR. CALLAGHAN: Right. And he wasn't
10 running from you in the least?

11 MR. HALL: No. No.

12 MR. CALLAGHAN: And in fact, he made himself
13 available to you when he came up on visits to this area;
14 correct?

15 MR. HALL: That's correct.

16 MR. CALLAGHAN: All right. And I take it at
17 the conclusion of this, and I won't go through what others
18 have gone through, but you compiled some nine volumes of
19 material?

20 MR. HALL: Yes, nine plus volumes.

21 MR. CALLAGHAN: Nine plus volumes.

22 MR. HALL: There was additional requests
23 from Crown Attorney Lorne McConnery that we provided.

24 MR. CALLAGHAN: Right. And is it fair to
25 say that is an extensive investigation in your opinion?

1 **MR. HALL:** In my opinion, it was.

2 **MR. CALLAGHAN:** And you felt it was complete
3 for the purpose of an opinion?

4 **MR. HALL:** Yes.

5 **MR. CALLAGHAN:** And not only did you
6 actually give him the documents, you actually met with both
7 Mr. McConnery and fellow Crown Kevin Phillips. Correct?

8 **MR. HALL:** Several times.

9 **MR. CALLAGHAN:** To go over the documents?

10 **MR. HALL:** Yes.

11 **MR. CALLAGHAN:** All right. And to make sure
12 they understood the nature of the allegations and the
13 information that you did -- covered?

14 **MR. HALL:** Yes. Yes.

15 **MR. CALLAGHAN:** Right. And I take it -- if
16 I could ask Madam Clerk to get Exhibit 2758, Bates page
17 977.

18 **MR. HALL:** Nine-seven-seven (977)?

19 **MR. CALLAGHAN:** Yes.

20 **MR. HALL:** Yes.

21 **MR. CALLAGHAN:** If we could just get it on
22 the screen. I didn't -- trying to do this. All the
23 younger lawyers consider me a dinosaur for all the papers
24 that I'm trying to abide by the screen.

25 If we can open it up a little, Madam Clerk?

1 There should be a reference there; all right. If you can
2 go down further.

3 All right. So can you read the entry at
4 12:45 and -- do you have the date of this? It appears to
5 be sometime ---

6 **MR. HALL:** The 17th of July ---

7 **MR. CALLAGHAN:** All right.

8 **MR. HALL:** --- 2001.

9 **MR. CALLAGHAN:** All right.

10 Can you just read that ---

11 **MR. HALL:** "Paged by Lorne McConnery;
12 returned call. Updated on
13 investigation. Said he had received my
14 memos. He was concerned and forwarded
15 the memo to the Ministry of the
16 Attorney General for..."

17 **MR. CALLAGHAN:** "...action."

18 **MR. HALL:** "...action. Believes the
19 matter has to be investigated. Said
20 meeting with judge took place last
21 Thursday. Judge will do a review of
22 each brief and a chronology. McConnery
23 asked me to check date Malcolm
24 MacDonald pled guilty..."

25 **MR. CALLAGHAN:** All right. That's enough.

1 So was it your understanding that Mr.
2 McConnery, the Crown attorney, and Mr. Phillips, the Crown
3 attorney, were consulting with the judge regarding your
4 material you provided them?

5 **MR. HALL:** That's correct.

6 **MR. CALLAGHAN:** All right.

7 So when we get to the opinion, by the time
8 you get Mr. McConnery's opinion on August 15th of 2001,
9 which is Exhibit 1140, it's your understanding that your
10 material has been extensively reviewed not only by
11 yourself, not only by your team but also by Mr. McConnery,
12 Mr. Phillips, and I believe this is a retired judge;
13 correct?

14 **MR. HALL:** Yes.

15 **MR. CALLAGHAN:** All right.

16 And that was your understanding?

17 **MR. HALL:** Yes, Mr. McConnery spoke to us
18 and the investigators personally about it.

19 **MR. CALLAGHAN:** Did you know the name of
20 that judge?

21 **MR. HALL:** I was never given a name.

22 **MR. CALLAGHAN:** Okay.

23 **MR. KLOEZE:** Excuse me, Mr. Commissioner.
24 Mr. Callaghan is getting into an area now on a document or
25 an area which the Attorney General claims solicitor-client

1 privilege. There is -- I understand there had been a
2 review of Mr. McConnery's opinion. We are aware of that
3 and we've claimed privilege over that review by the person
4 who reviewed the brief.

5 **THE COMMISSIONER:** Okay.

6 **MR. CALLAGHAN:** Well, just so we're clear,
7 there are disclosed documents that refer to the retainer of
8 Mr. Justice David Griffiths of the Court of Appeal. I just
9 want to be clear that that's who we're talking about
10 because that's who I believe reviewed this. If that's who
11 we're talking about claiming privilege, I guess we'll deal
12 with it when Mr. McConnery comes up, but I think we should
13 have clarification if that is the retired judge, there
14 would be no privilege to his name, and I believe it's
15 retired Judge David Griffiths of the Court of Appeal for
16 Ontario.

17 **THE COMMISSIONER:** Mr. Kloeze, do you
18 confirm that?

19 **MR. KLOEZE:** I can confirm that, yes.

20 **THE COMMISSIONER:** All right. Thank you.

21 **MR. CALLAGHAN:** So I will leave that for
22 now, Mr. Commissioner. We'll deal with that with another
23 witness.

24 Because as I understand it, Mr. Hall, you
25 don't really have any idea about that. You just know, in

1 your mind, that when you got Mr. McConnery's opinion, he
2 had actually been speaking to a retired judge; correct?

3 MR. HALL: Yes.

4 MR. CALLAGHAN: All right.

5 MR. HALL: He told me that.

6 MR. CALLAGHAN: And if we could then go to
7 11:40? This is Mr. McConnery's report to you.

8 MR. HALL: Yes, sir.

9 MR. CALLAGHAN: All right.

10 And so we're clear, you had given him a
11 number of different briefs dealing also with other
12 allegations that had been made against individuals, and I'm
13 not interested in them, but they're set out at the front of
14 that on the first page; correct?

15 MR. HALL: Yes.

16 MR. CALLAGHAN: And then the one I'm
17 interested in is number 6 on the second page, which is the
18 investigation of several parties regarding an allegation of
19 conspiracy to obstruct justice, nine volumes, right?

20 MR. HALL: Yes.

21 MR. CALLAGHAN: All right.

22 And if I could go down two paragraphs just
23 to be clear, it says:

24 "I have spent..."

25 And this is Mr. McConnery speaking to you:

1 "...considerable time working with
2 Kevin Phillips and yourself to ensure
3 that our review of these matters was as
4 thorough as possible. As a result,
5 many of the above-described briefs were
6 supplemented by officers' will states
7 and notes which we sought by Kevin
8 Phillips and myself and provided by
9 you."

10 So basically throughout this, you're
11 responding to Mr. McConnery to make sure he had a full
12 understanding of the factual foundation on which he was
13 providing an opinion; correct?

14 **MR. HALL:** Yes.

15 **MR. CALLAGHAN:** "We have also had occasion
16 to discuss various issues with
17 Detective Constable Dupuis and
18 Detective Constable Genier and have
19 been assisted very ably by your
20 secretary, Marion Burns."

21 So you also made available your team to
22 them?

23 **MR. HALL:** I did.

24 **MR. CALLAGHAN:** Like, for example, they talk
25 about C-15 in here; that C-15 was interviewed by Detective

1 Dupuis and Detective Genier, right?

2 MR. HALL: Yes.

3 MR. CALLAGHAN: If I can go down, they
4 accessed other briefs, they said, in order to get to their
5 opinion and to understanding, right? It says:

6 "During the course of our review, it
7 was necessary to access other briefs
8 which touched upon the allegations that
9 we were asked to review."

10 Do you see that?

11 MR. HALL: Yes.

12 MR. CALLAGHAN: So they went out and
13 augmented with all the other material you had to make sure
14 they had a complete understanding?

15 MR. HALL: Yes.

16 MR. CALLAGHAN: All right.

17 And, for example, if you go in the list,
18 (2), they review the Ottawa Police Service Report of
19 January '94; correct?

20 MR. HALL: Yes.

21 MR. CALLAGHAN: And that, in fact, touched
22 on the Ottawa Police's view not only of the investigation
23 but somewhat collaterally on whether they thought there
24 might be elements of a conspiracy; correct?

25 MR. HALL: Correct.

1 **MR. CALLAGHAN:** And then they also had
2 access to the reinvestigation done in 1994 by the Ontario
3 Police, right?

4 **MR. HALL:** Yes.

5 **MR. CALLAGHAN:** And if we go over to the
6 next page, they also had, number 10, an opportunity to see
7 Ron Leroux for themselves. First they had the videotape of
8 interviews of Ron Leroux at number 10; correct?

9 **MR. HALL:** Yes.

10 **MR. CALLAGHAN:** They also had the material
11 at number 8 regarding Mr. Leroux's firearm issue in '93?

12 **MR. HALL:** Yes.

13 **MR. CALLAGHAN:** And they also had the
14 material regarding at least C-15 at the Criminal Injury
15 Compensation Board, right, number 9?

16 **MR. HALL:** Yes.

17 **MR. CALLAGHAN:** And they say that this list
18 is not exhaustive as the quantity of material is
19 voluminous, but every effort was taken ---

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. CALLAGHAN:** I'm advised that one of the
22 people I might have mentioned, actually, unlike others in a
23 group, is monikered and I'll leave it to speak at the end
24 rather than talk any further, if that's acceptable, Mr.
25 Commissioner.

1 **THE COMMISSIONER:** M'hm.

2 **MR. CALLAGHAN:** I apologize, and I thank Mr.
3 Lee.

4 **THE COMMISSIONER:** So just a second. The
5 reporters, you know where we're going?
6 Thank you very much.

7 **MR. CALLAGHAN:** Thank you.

8 I've got to be more of a frequent flyer
9 here, I'm afraid.

10 This list does not -- let's go back to what
11 I was reading:

12 "This list is not exhaustive as to the
13 quantity of material. It is
14 voluminous, but every effort was taken
15 to incorporate all the relevant
16 material amassed in the Project Truth
17 investigation and its predecessor
18 investigations in our assessment."

19 Do you see that?

20 **MR. HALL:** Yes, I do.

21 **MR. CALLAGHAN:** And then he talks in the
22 next paragraph about the elements needed for reasonable and
23 probable grounds, and you're aware there is a subjective
24 element and an objective element; correct?

25 **MR. HALL:** Yes.

1 **MR. CALLAGHAN:** And it says, paragraph 4:
2 "I understand from several discussions
3 with yourself and the Detective
4 Constables Joe Dupuis and Don Genier
5 and information from Detective
6 Constable Seguin that the investigating
7 officer is not personally satisfied
8 that reasonable and probable grounds
9 exist to lay charges in the six briefs
10 provided to me. Absence of such
11 subjective belief that the grounds
12 exist, criminal charges cannot be
13 laid."

14 Correct?

15 **MR. HALL:** Correct.

16 **MR. CALLAGHAN:** And let's stick with my case
17 just with the conspiracy allegation, for example, this
18 Stanley Island, you could find no corroborative evidence as
19 to that story that Ron Leroux told?

20 **MR. HALL:** That's correct.

21 **MR. CALLAGHAN:** And you had an opportunity
22 to meet Ron Leroux; correct?

23 **MR. HALL:** Yes.

24 **MR. CALLAGHAN:** And you had an opportunity
25 to assess his credibility, did you not?

1 MR. HALL: Yes.

2 MR. CALLAGHAN: And did you find him to be
3 credible?

4 MR. HALL: No.

5 MR. CALLAGHAN: All right.

6 And did that affect your subjective
7 assessment?

8 MR. HALL: Yes.

9 MR. CALLAGHAN: And how did it affect your
10 subjective assessment?

11 MR. HALL: I based that on several issues
12 that I had looked at such as the death threats, the
13 videotape issue, the issue of altar boys being on an island
14 with sheets over their head, going around a campfire, et
15 cetera, et cetera, when there was no one -- not one person
16 ever came forward to indicate that that occurred.

17 MR. CALLAGHAN: And his demeanour as such,
18 were you able to assess Mr. Leroux's demeanour,
19 notwithstanding you could find no objective assistance to
20 his story?

21 MR. HALL: Yes.

22 MR CALLAGHAN: And what did you assess his
23 demeanor as?

24 MR. HALL: I didn't believe him.

25 MR CALLAGHAN: All right. And if we go to

1 the next paragraph: "Upon our review of all the above" --
2 or, sorry. And you would have expressed that to Mr.
3 McConnery?

4 MR. HALL: Yes.

5 MR CALLAGHAN: And in terms of the others in
6 your group, did they share your assessment?

7 MR. HALL: Yes.

8 MR CALLAGHAN: All right. Last paragraph:
9 "Upon our review of all the above
10 noted, I find that your concerns and
11 conclusions about the lack of
12 reasonable and probable grounds are
13 appropriate and justified. All the
14 allegations of the complainants Leroux
15 and C-15 have been carefully studied in
16 the context in which these allegations
17 were made and your opinion as to the
18 credibility allegations is reasonable
19 and well-founded in my view."

20 Do you see that?

21 MR. HALL: Yes.

22 MR CALLAGHAN: So he agrees with your
23 assessment?

24 MR. HALL: Yes, he does.

25 MR CALLAGHAN: And if I can be permitted one

1 second, Mr. Commissioner, because I need to find out
2 someone's moniker.

3 And then if we can go, just to clear it
4 up, on the next page:

5 "In the result, based on the
6 investigation to date on the
7 information I have reviewed, I concur
8 with your opinion that charges not be
9 laid in these six allegations. More
10 particularly, those six are ..."

11 And (f) is the allegations of "a conspiracy
12 to obstruct justice." Do you see that?

13 **MR. HALL:** Yes.

14 **MR CALLAGHAN:** And that's the allegation
15 made against some of my clients; correct?

16 **MR. HALL:** Yes.

17 **MR CALLAGHAN:** If I can just then move on to
18 talk a little bit about Helen Dunlop's allegations, more as
19 a -- well, discuss them. These are the death threats case,
20 right? And you were dealing with her on the death threats?

21 **MR. HALL:** Yes.

22 **THE COMMISSIONER:** Which ones now?

23 **MR CALLAGHAN:** Ms. Dunlop's allegations.

24 **THE COMMISSIONER:** No, I understand that,
25 but the one by the woman or by the alleged conspiracy?

1 **MR CALLAGHAN:** The alleged clan. Not clan,
2 is not the right word, but the alleged -- the ones brought
3 forward by Mr. Leroux.

4 **MR. HALL:** Yes, the ones dealing with Father
5 Charles MacDonald, Malcolm MacDonald and ---

6 **THE COMMISSIONER:** There you go.

7 **MR. HALL:** -- Ken Seguin.

8 **MR CALLAGHAN:** And she had a number of
9 complaints. One of the complaints she had was that you
10 didn't go out and interview the alleged suspects earlier;
11 correct?

12 **MR. HALL:** Yes.

13 **MR CALLAGHAN:** All right. And I take it
14 that it's a practice in policing that you would want to
15 have all the information you can before you confront the
16 alleged suspects; correct?

17 **MR. HALL:** Yes. Your alleged suspect is
18 usually your last stop.

19 **MR CALLAGHAN:** Right. And that's acceptable
20 police practice, in your opinion.

21 **MR. HALL:** Yes. In most cases. As you
22 recall, in some of the investigations, we went to them and
23 we gave them a caution statement "You may be charged."
24 while we were still investigating. But that's not the
25 normal practice.

1 **MR CALLAGHAN:** Right. And it's a matter for
2 the judgment of the police officer in any given case as to
3 which is appropriate in that case.

4 **MR. HALL:** Yes.

5 **MR CALLAGHAN:** All right. And she was also
6 upset with the time it took to do her investigation;
7 correct?

8 **MR. HALL:** Yes.

9 **MR CALLAGHAN:** And you testified that this
10 was not the only case you were involved in ---

11 **MR. HALL:** Correct.

12 **MR CALLAGHAN:** --- correct? You had the
13 murder in New Brunswick, for example.

14 **MR. HALL:** Yes.

15 **MR CALLAGHAN:** And you had another -- you
16 had other caseloads?

17 **MR. HALL:** Yes.

18 **MR CALLAGHAN:** And it's fair to say that in
19 your experience it's not unlike other police officers';
20 that is that in any given case, you have other cases to
21 deal with.

22 **MR. HALL:** When I came to the investigation,
23 I had a full plate.

24 **MR CALLAGHAN:** Right. And accordingly,
25 there may be delays not associated with the complainant's

1 investigation but rather with the workload you have.

2 MR. HALL: That's correct.

3 MR CALLAGHAN: Right. And I take it, in
4 historical sexual assault cases, you might even have a
5 further difficulty in the sense that you have to go out and
6 find people, because they go way back in time -- that is,
7 the allegations do.

8 MR. HALL: Yes.

9 MR CALLAGHAN: People move.

10 MR. HALL: Yes.

11 MR CALLAGHAN: There's inherent delay with
12 historic sexual assault cases, too; correct?

13 MR. HALL: There certainly can be.

14 MR CALLAGHAN: And I take it that, in your
15 opinion that a simple solution to this would be to add more
16 resources, if possible. In other words, if somebody had
17 taken your New Brunswick case, you could have devoted ---

18 MR. HALL: Yes.

19 MR CALLAGHAN: --- your time to Helen
20 Dunlop's ---

21 MR. HALL: Yes.

22 MR CALLAGHAN: --- case.

23 MR. HALL: Yes.

24 MR CALLAGHAN: All right. And the reality
25 is that it requires resources; correct?

1 **MR. HALL:** Yes.

2 **MR CALLAGHAN:** All right. And would it be
3 your opinion that your view of the Project Truth team and
4 your view of the work that you did is you did all that you
5 could do, given the resources you had made available to
6 you?

7 **MR. HALL:** Yes.

8 **MR CALLAGHAN:** All right. And I take it
9 that if -- and if delay is going to be an issue in this
10 inquiry, I take it that it would be your view that there
11 has to be a corresponding recognition by society, they're
12 just going to have to provide more resources which likely
13 means paying more for policing; correct?

14 **MR. HALL:** Yes.

15 **MR CALLAGHAN:** To resolve -- right. It's
16 not a matter of waving a wand and saying, "Oh, I'll move
17 quicker. Because your people were working at capacity";
18 correct?

19 **MR. HALL:** Correct.

20 **MR CALLAGHAN:** All right.

21 Now, if I could take you to a document --
22 702453. I don't believe it's been made an exhibit.

23 **THE COMMISSIONER:** Thank you. Exhibit 2838
24 is a letter dated July 13th, 2001 to Lorne McConnery from
25 Mr. Hall.

1 **---EXHIBIT NO./PIÈCE NO P-2838:**

2 (702453) - Letter from Pat Hall to Lorne
3 McConnery re: Project Truth Meeting of 10
4 Jul 01 dated 13 Jul 01

5 **MR CALLAGHAN:** May I get the number again,
6 Mr. Commissioner?

7 **THE COMMISSIONER:** Two-eight-three-eight
8 (2838).

9 **MR CALLAGHAN:** Two-eight-three-eight (2838).
10 Thank you.

11 Now, this is a letter you wrote, sir?

12 **MR. HALL:** Yes.

13 **MR CALLAGHAN:** All right. Now, just to
14 paraphrase this letter for the benefit of all, this is you
15 writing to Lorne McConnery in July 31st, 2001 and there had
16 been a lot of public discussion including by Mr. Guzzo,
17 including around town, about this confusion about Mr.
18 Dunlop having four binders and you only having one.

19 **MR. HALL:** Correct, right.

20 **MR CALLAGHAN:** And you had concluded that it
21 was essentially the same thing, except he had had the
22 *Police Service Act* material.

23 **MR. HALL:** Correct.

24 **MR CALLAGHAN:** And yet, this still persisted
25 around town ---

1 **MR. HALL:** Yes.

2 **MR CALLAGHAN:** --- so to speak. And at the
3 second -- at the last second page, you say to Mr.
4 McConnery:

5 "Perhaps an independent investigation
6 should be done when our investigation
7 conclude in preparation for media
8 release; an explanation will be
9 required."

10 See that?

11 **MR. HALL:** Yes.

12 **MR CALLAGHAN:** All right. So I take it what
13 were saying was "Let's have sort of an independent or
14 administrative review of what happened, so we can report.
15 This mix-up was nothing more than a misunderstanding;"
16 correct?

17 **MR. HALL:** Correct.

18 **MR CALLAGHAN:** And I take it -- did anybody
19 ever do that independent review?

20 **MR. HALL:** Not to my knowledge.

21 **MR CALLAGHAN:** All right. And, for example,
22 we heard from Garry Derochie that on more than one
23 occasion, he did administrative reviews for the CPS just to
24 see what happened in cases.

25 Are you aware of similar practices being

1 done in any of the cases that you were involved in? Not,
2 for example, the Millar, where you're trying to investigate
3 something, but just an administrative review as -- as Staff
4 Sergeant Derochie did many of our cases?

5 MR. HALL: A review of the case?

6 MR CALLAGHAN: Yeah. We did this right; we
7 did this wrong. Are you aware of that being done at all
8 either by the Crown or by the OPP?

9 MR. HALL: I don't follow your question
10 actually.

11 MR CALLAGHAN: Well, here you're asking for
12 an independent review on one issue. We've heard from Staff
13 Sergeant Derochie the CPS had a practice, or at least it
14 did, of administrative reviews of investigations of CPS
15 cases, so just to see -- well, not to find fault with
16 people, just to find out what happened. Do you know
17 whether any of these cases that you were involved in, there
18 was an administrative review by either the OPP or the
19 Attorney General or the Crown's office?

20 MR. HALL: Not that I'm aware of.

21 MR CALLAGHAN: All right.

22 MR. HALL: My request in this letter was
23 regarding the delivery to the Ministry of Attorney General
24 that I couldn't get an answer what happened to him.

25 MR CALLAGHAN: Right.

1 **MR. HALL:** That's what I'm asking for.

2 **MR CALLAGHAN:** And you never got an answer,
3 did you?

4 **MR. HALL:** No.

5 **MR CALLAGHAN:** Right. And did you feel
6 towards the end of it, that's what would happen, that you
7 would ask the Attorney General's office and you wouldn't
8 get answers to these questions in a lot of cases?

9 **MR. HALL:** Yes, I was going through the
10 Regional Director of Crown attorneys, which was my first
11 line to go to the Ministry of the Attorney General, and I
12 was asking him to do some kind of a review or get some
13 answers. I had already asked Ms. Hallett on numerous
14 occasions, which I have notes on.

15 **MR. CALLAGHAN:** I know, but no one did it?

16 **MR. HALL:** No.

17 **MR. CALLAGHAN:** As far as you were aware?

18 **MR. HALL:** Not to my knowledge. I was never
19 advised of anything.

20 **MR. CALLAGHAN:** All right.

21 So now moving on, and just during Mr. Horn's
22 cross-examination there was this issue about various multi
23 victims and RPG. And I take it your practice is that when
24 you have RPG, reasonable and probable grounds ---

25 **MR. HALL:** Yes.

1 MR. CALLAGHAN: --- you lay a charge?

2 MR. HALL: Yes.

3 MR. CALLAGHAN: Right.

4 And on occasion you'll lay a charge against
5 one victim in respect of -- pardon me, one victim's
6 complaint and another victim will come up afterwards;
7 right?

8 MR. HALL: Yes.

9 MR. CALLAGHAN: Or it may be that you don't
10 have RPG at the moment for one victim but you do for one;
11 correct?

12 MR. HALL: That's true.

13 MR. CALLAGHAN: And ---

14 MR. HALL: And you can also lose RPG as
15 well.

16 MR. CALLAGHAN: Right.

17 But my point is that you charge when you
18 have RPG generally?

19 MR. HALL: Yes.

20 MR. CALLAGHAN: Right.

21 And then in terms of joining them together
22 after that point, the Crown can join them together?

23 MR. HALL: Yes.

24 MR. CALLAGHAN: And often -- that's often
25 what happens?

1 MR. HALL: That's their call, yes.

2 MR. CALLAGHAN: Right.

3 It's not your call?

4 MR. HALL: No.

5 MR. CALLAGHAN: Right.

6 And your duty is to charge when you have

7 RPG; correct?

8 MR. HALL: Yes.

9 MR. CALLAGHAN: So what I'd like to do then
10 is review the Dunlop disclosure issues, and after Inspector
11 Smith -- well, let me put it this way. Inspector Smith was
12 the lead investigator and he was the senior person at the
13 OPP until you took over upon his retirement; correct?

14 MR. HALL: Yes.

15 MR. CALLAGHAN: In respect of Project Truth?

16 MR. HALL: Yes.

17 MR. CALLAGHAN: All right.

18 And you both dealt with Cornwall Police to
19 assist in dealing with Mr. Dunlop; correct?

20 MR. HALL: Yes.

21 MR. CALLAGHAN: And you first dealt with
22 Inspector Trew?

23 MR. HALL: Yes.

24 MR. CALLAGHAN: And then upon his
25 retirement, you dealt with Staff Sergeant Derochie?

1 **MR. HALL:** Yes, and on some occasions Staff
2 Sergeant Carter as well.

3 **MR. CALLAGHAN:** Right.

4 But predominantly, I would suggest to you it
5 was ---

6 **MR. HALL:** He was a designated person.

7 **MR. CALLAGHAN:** Those two were the
8 designated people, Trew and then Derochie?

9 **MR. HALL:** Exactly.

10 **MR. CALLAGHAN:** Right.

11 And there's a changeover that happens
12 sometime in the summer of '99 between the two of them.
13 We'll get to it, but it's in about that period?

14 **MR. HALL:** Yes, early fall, I believe.

15 **MR. CALLAGHAN:** All right.

16 And I just want to -- rather than take you
17 through the cooperation that you had from the Cornwall
18 Police, I'd like to review with you your evidence, I
19 believe the Father Charlie matter. I'm at Exhibit 1542.

20 **THE COMMISSIONER:** Forty-two (42), you said?

21 **MR. CALLAGHAN:** Sorry, Mr. Commissioner.
22 Exhibit 1542. It should be a transcript.

23 **THE COMMISSIONER:** Yes, it is.

24 **MR. CALLAGHAN:** And I'm at Bates page 736.

25 **MR. HALL:** Yes.

1 **MR. CALLAGHAN:** All right.

2 I was -- I think I've got it here, rather
3 than put it on the screen. I think some people would like
4 it on the screen because they don't have it.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **MR. CALLAGHAN:** Seven-three-six (736). Now,
7 I'm just going to read, and I just want to confirm with you
8 that this is your view as you testified.

9 And the Court asked the question:

10 "With the exception of the
11 individual Dunlop, how was the liaison
12 and cooperation between the OPP and the
13 Cornwall Police during the..."

14 And you answer:

15 "It was excellent, Your Honour. We
16 met quite frequently. Particularly,
17 the majority of meetings was over
18 Dunlop's conduct and us keeping them
19 apprised of the difficulties we were
20 having. Also, there was 18 cases that
21 came to us because we were Project
22 Truth that did not fall within our
23 mandate and those were delivered
24 personally by myself to Cornwall Police
25 and there'd be meetings involving that

1 where they were asked to carry on with
2 the investigation. I would say it was
3 an excellent cooperation. We had no
4 difficulties whatsoever with the
5 command staff of the Cornwall Police
6 Service."

7 Do you see that?

8 **MR. HALL:** Yes.

9 **MR. CALLAGHAN:** And that was your view?

10 **MR. HALL:** Yes.

11 **MR. CALLAGHAN:** And then Mr. Neville then
12 asked the question:

13 "Mr. Dunlop, in his civil action and
14 his media comments, portrayed his own
15 police force as, in effect, at the very
16 worst, corrupt and certainly
17 incompetent?"

18 Answer:

19 "He said that."

20 Question:

21 "The police force was examined. Their
22 conduct was looked at and they worked
23 with throughout by your Force from '94
24 on?"

25 Answer:

1 "That's correct."

2 Question:

3 "And there was not one iota of evidence
4 that there were other than
5 professional, competent or of integrity
6 and doing their best?"

7 Answer:

8 "That's correct."

9 **MR. HALL:** Yes.

10 **MR. CALLAGHAN:** And that was your view?

11 **MR. HALL:** Yes.

12 **MR. CALLAGHAN:** And that applies both to
13 dealings with Dunlop and then also the handoff and exchange
14 of cases that may have or may not have been in Project
15 Truth; correct?

16 **MR. HALL:** Yes.

17 **MR. CALLAGHAN:** Now, we went over the people
18 who were involved in the Dunlop lawsuit, including Luc
19 Brunet. Chief Shaver had retired. Heidi Sebalj wasn't
20 there. Carl Johnston had retired. Brendon Wells who was
21 retired. Stuart MacDonald who was retired and Joe St.
22 Denis who was retired, and none of those people,
23 particularly Brendon Wells and Luc Brunet, the only ones
24 left, had any dealings with Dunlop in respect of your
25 dealings with Dunlop; right? It was Trew and Derochie?

1 MR. HALL: Correct.

2 MR. CALLAGHAN: So they weren't people who
3 were involved in Dunlop's lawsuit; correct?

4 MR. HALL: Correct.

5 MR. CALLAGHAN: And I take it there are
6 really two things going on during this time. There is the
7 C-8 allegations against Lalonde. So there is the Lalonde
8 investigation?

9 MR. HALL: Yes.

10 MR. CALLAGHAN: And that involved Dunlop
11 somewhat?

12 MR. HALL: Yes.

13 MR. CALLAGHAN: And then there was the
14 Fantino brief and the Project Truth which started in the
15 spring of '97?

16 MR. HALL: Correct.

17 MR. CALLAGHAN: Now, in the case of Project
18 Truth, it was an investigation directed to be done by the
19 Crown Attorney; correct?

20 MR. HALL: Correct.

21 MR. CALLAGHAN: And I gather the Crown has
22 that right?

23 MR. HALL: Yes, he does.

24 MR. CALLAGHAN: Do you know on what basis it
25 is that the Crown rather than the police direct

1 investigations to be done?

2 MR. HALL: I believe it's in the *Police*
3 *Services Act*, a Crown attorney can request an
4 investigation.

5 MR. CALLAGHAN: So for example, when you
6 took that matter to McConnery or when others had written
7 the Crown and asked for help about what to do with an
8 investigation, they could have directed an investigation to
9 happen; correct, as they did in Project Truth?

10 MR. HALL: Yes.

11 MR. CALLAGHAN: And in respect of the
12 Lalonde investigation, you had indicated that that was a
13 joint investigation. There were parts being done by the
14 OPP and parts being done with the Cornwall Police?

15 MR. HALL: Yes.

16 MR. CALLAGHAN: And Don Genier was the lead
17 for the OPP?

18 MR. HALL: Yes, he was.

19 MR. CALLAGHAN: And Don Genier was also
20 involved in Project Truth?

21 MR. HALL: Yes.

22 MR. CALLAGHAN: And René Desrosiers was the
23 contact person for the Cornwall Police?

24 MR. HALL: On the Marcel Lalonde case, yes.

25 MR. CALLAGHAN: Yes.

1 **MR. HALL:** Yes.

2 **MR. CALLAGHAN:** And are you aware that by
3 the time -- by April '97 they had received disclosure from
4 Dunlop in the Lalonde case regarding his involvement with
5 C-8?

6 **MR. HALL:** Yes.

7 **MR. CALLAGHAN:** That's Exhibit 1408.
8 Perhaps we could just put it up on the screen so we could
9 see it.

10 So this is an OMPPAC statement and it says:

11 "C-8 contacted me in June 1996. At
12 that time he indicated that he was a
13 victim of sexual assault when he was a
14 minor. He did not provide details of
15 the assault. In January '97, C-8
16 attended my residence. It was at this
17 time that he gave disclosure that he
18 was sexually assaulted by Father
19 Charles MacDonald as well as Marcel
20 Lalonde."

21 Now, I take it in that statement you
22 understood, as did other officers, that Dunlop had no
23 documents until January 1997 when he took the statement, as
24 he noted in his ---

25 **MR. HALL:** Correct.

1 **MR. CALLAGHAN:** Right.

2 And that that became an issue because it
3 turned out there was an earlier statement that he hadn't
4 averted to in this disclosure; correct, in December '96?

5 **MR. HALL:** That's correct, yes.

6 **MR. CALLAGHAN:** All right.

7 So now just moving on, you then have the
8 Fantino brief that's delivered to Fantino in late '96, and
9 then there are these additional briefs that are delivered
10 to the Sol. Gen. and to the Public Complaints Commissioner;
11 right? Or, Police Complaints Commissioner?

12 **MR. HALL:** The binders went to the Attorney
13 General and OCOPS.

14 **MR. CALLAGHAN:** And OCOPS, right. And, as
15 we indicated, that contained some of the affidavits by
16 Leroux et cetera?

17 **MR. HALL:** Yes.

18 **MR. CALLAGHAN:** Right. And, just to be
19 clear, the OPP never gave the Cornwall police the Fantino
20 binders or the Attorney General binders; correct?

21 **MR. HALL:** That's correct.

22 **MR. CALLAGHAN:** All right. In fact, I want
23 to show you Exhibit 1824, and then, 1825.

24 And this is -- well, you get to set this up.
25 This is a letter to you, you'll see when you

1 get there, by Chief Repa, and he's getting a copy for the
2 first time as he testified here, of the Leroux affidavit of
3 November 13th, '96. Do you see that?

4 MR. HALL: Yes.

5 MR. CALLAGHAN: So he's passing it on to you
6 so you're aware of it?

7 MR. HALL: Yes.

8 MR. CALLAGHAN: And, if you go to the next
9 document, 1825, you advise them that this was part of the
10 Fantino brief and that the OPP already had it in February
11 '97?

12 MR. HALL: Correct.

13 MR. CALLAGHAN: Okay. So it underscores the
14 fact that the OPP didn't give the Fantino brief to the
15 Cornwall police; correct?

16 And I'm not suggesting -- in fact, I'll get
17 to the point, Inspector Smith testified that, "We didn't
18 give them that because they were subject to the
19 investigation;" you don't share the fruits of the
20 investigation with the people that are targets; correct?

21 MR. HALL: That's correct. Also, if my
22 memory serves me, that this affidavit came to him
23 anonymously.

24 MR. CALLAGHAN: We'll have to go back to his
25 evidence. I don't recall that being his evidence. I

1 think ---

2 MR. HALL: Oh, I recall it at the time ---

3 MR. CALLAGHAN: --- his evidence is not ---

4 MR. HALL: --- like from my prospective.

5 MR. CALLAGHAN: I think -- I think his
6 evidence was, he got it through the legal process, and then
7 passed it on. So "anonymous" may be that he got it from a
8 shady lawyer.

9 (LAUGHTER/RIRES)

10 MR. CALLAGHAN: So when we get on to the
11 Dunlop issue, you are not in the first meetings with
12 Inspector Trew, and I'm going to ask you to go
13 through -- what I'm going to do is a little bit of an
14 exercise with Inspector Trew's notes, which are Exhibit
15 733, and some of your notes, and it's going -- because your
16 notes go over many volumes, we're going to have Exhibit
17 2745.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. CALLAGHAN: Just to be clear, if I can
20 look at Inspector Trew's notes, Exhibit 733, on the second
21 page, Bates page 355?

22 He met with Inspector Smith. You weren't at
23 that first meeting I take it?

24 MR. HALL: I was in New Brunswick, I
25 believe.

1 **MR. CALLAGHAN:** All right, that's fine. And
2 then, if you go over to August 7th, '97, you first attend on
3 that time, and that's at Bates page 3585 of 62, if you're
4 looking on the right.

5 And, in that, you tell them, for example, in
6 the second paragraph, about "Detective Inspector Hall,
7 along with Inspector Smith, also brought up the subject of
8 the death threats placed on D.S., and that D.S. had heard
9 it from Constable Dunlop on two or three different
10 occasions."

11 And, you testified earlier, that's the area
12 where D.S. said, "I heard it from Dunlop and Dunlop denied
13 he ever said it;" right?

14 **MR. HALL:** Correct.

15 **MR. CALLAGHAN:** So someone in there is not
16 telling the truth, presumably; correct?

17 **MR. HALL:** Correct.

18 **MR. CALLAGHAN:** So, if you then go over to
19 the next page, if you go -- it says,

20 "Disclosure of Constable Dunlop
21 information ..."

22 Right in the middle of the page,

23 "...to Inspector Smith, first to take
24 place before August 15th or on that
25 date."

1 Do you see that?

2 MR. HALL: Bates page?

3 MR. CALLAGHAN: The next -- it's 6 of 62;
4 Bates page 359.

5 MR. HALL: Yes, I've got it.

6 MR. CALLAGHAN: And I take it the
7 arrangement then was -- and it always -- and at that time
8 it was to give the documents to the OPP? In other words,
9 Trew didn't take them; they went directly to you; correct?

10 MR. HALL: Correct.

11 MR. CALLAGHAN: All right. And in -- you go
12 to your notes, and you'll see at Bates page 563, you have a
13 briefer note than Trew.

14 Do you see that?

15 MR. HALL: At 9:00? Yes.

16 MR. CALLAGHAN: All right, and ---

17 MR. HALL: "Interview of Perry Dunlop."

18 MR. CALLAGHAN: Right.

19 MR. HALL: "Inspector Trew's office."

20 MR. CALLAGHAN: Right.

21 MR. HALL: "With Detective Inspector Smith."

22 MR. CALLAGHAN: And that's when
23 you -- that's when you meet -- that's when you meet Dunlop,
24 and Dunlop tells you that he will have your -- have that
25 information to you; correct?

1 MR. HALL: Yes.

2 MR. CALLAGHAN: All right. And so, if you
3 could go over to Bates page 576? And this is a little
4 later on. You call Dunlop directly?

5 MR. HALL: Yes.

6 MR. CALLAGHAN: And if you go back to the
7 bottom -- next to the bottom of that page, you meet him;
8 correct?

9 MR. HALL: Yes.

10 MR. CALLAGHAN: So that's without -- you do
11 that directly, that was the arrangement? You didn't have
12 to rely on ---

13 MR. HALL: No.

14 MR. CALLAGHAN: --- Trew, you've met with
15 him?

16 MR. HALL: He arranged for me to meet with
17 him at his residence.

18 MR. CALLAGHAN: Right.

19 MR. HALL: At 14:00.

20 MR. CALLAGHAN: Right. And it says, 14:00,

21 "Meet with Perry Dunlop who ..."

22 Can you read that?

23 MR. HALL: "... who was at neighbour's
24 place on arrival."

25 MR. CALLAGHAN: Yes.

1 **MR. HALL:** "Went into living room. Dunlop
2 provided a list of 14 victims, typed,
3 added two more, and a list of 16 names
4 of people we should speak to as they
5 may have information or were witnesses
6 to sexual acts.
7 Dunlop said he was going on holidays
8 for two weeks. Some of the names were
9 just initials. He requested to have
10 time to contact them first. Some
11 people want to remain anonymous.
12 Dunlop will get in touch with me. I
13 gave him my business card and my pager
14 number. He said to get in touch with
15 him if he needed any information.
16 Seemed co-operative."

17 **MR. CALLAGHAN:** All right. And the point
18 is, is that you'd indicated earlier, is this the time when
19 you see Dunlop come out of a neighbour's house ---

20 **MR. HALL:** Yes.

21 **MR. CALLAGHAN:** --- that you referred to?
22 Right. And I'm not suggesting you had an
23 obligation to, but I don't see any report of this
24 discussion to -- back to the CPS. And, I'm not suggesting
25 you should, but I don't see one in there. Is that -- would

1 that be accurate? You were entitled to deal with Dunlop on
2 your own I take it?

3 MR. HALL: Yes.

4 MR. CALLAGHAN: All right. So that
5 goes -- so, by that time, we get back and the date goes by,
6 and I don't see any notes on either side, to Inspector
7 Trew. But I take it that's because this is the disclosure
8 for you guys, and you'd already spoken to Dunlop and you
9 thought -- you thought that Dunlop was going to provide it
10 to you when you get back -- when he gets back after that
11 two weeks; correct?

12 MR. HALL: Yes.

13 MR. CALLAGHAN: And then, by September 23rd,
14 you're calling Dunlop at 6:24. And ---

15 MR. HALL: "Call to Constable Dunlop about
16 his notes?"

17 MR. CALLAGHAN: Right. And he tells you
18 he's speaking to a lawyer?

19 MR. HALL: "Spoke to his lawyer."

20 MR. CALLAGHAN: Right.

21 And earlier -- I'm not sure you read the
22 part, but I think you did to Mr. Engelmann -- he had said
23 "This wasn't anything part of my civil suit" and yet here
24 you are on the 23rd and he's talking about a civil lawyer;
25 correct?

1 **MR. HALL:** Yes.

2 **MR. CALLAGHAN:** And that becomes the issue,
3 was he's telling you, "I've got to deal with my civil
4 lawyer".

5 **MR. HALL:** Correct.

6 **MR. CALLAGHAN:** Right. And you explain this
7 -- or I take it Inspector Smith explains this to Mr. Trew
8 on Bates page 360 on September 23rd, if you look. And
9 that's what starts the order, right?

10 **MR. HALL:** Yes.

11 **MR. CALLAGHAN:** There is then a number of
12 discussions back and forth between you and Mr. Trew,
13 Inspector Trew, about the delays that you're apprised of
14 about Dunlop being in Toronto with his lawyer trying to
15 make disclosure; correct?

16 **MR. HALL:** Correct.

17 **MR. CALLAGHAN:** Okay. And I won't take you
18 all through them unless you need to. We then get to the
19 order, and -- if I could be permitted one second?

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. CALLAGHAN:** And that's Exhibit 731. And
22 the first part of it -- I'm sure you went over this, but
23 just quickly -- is Trew saying he's been advised by
24 Inspector Smith that there are documents that Perry Dunlop
25 has that are relevant to your investigation; correct?

1 MR. HALL: Yes.

2 MR. CALLAGHAN: All right.

3 So that's information that Trew learns from
4 Inspector Smith because obviously "We weren't conducting
5 the investigation; we were just trying to help get Dunlop
6 to comply with his obligation." Correct?

7 MR. HALL: That's correct.

8 MR. CALLAGHAN: And the last line is that:

9 "I therefore order you to disclose to
10 Inspector Tim Smith or his investigator
11 all your notes, tapes, statements that
12 you have made or received relating to
13 Inspector Smith's request of August 7th,
14 '97."

15 Do you see that?

16 MR. HALL: Yes.

17 MR. CALLAGHAN: All right.

18 And so the idea is that he's going to turn
19 that over to Smith or his investigator, which I gather is
20 you?

21 MR. HALL: Yes.

22 MR. CALLAGHAN: Right.

23 And that's how you come into dealing with
24 Dunlop?

25 MR. HALL: Yes.

1 **MR. CALLAGHAN:** And on October 10th, '97,
2 Dunlop turns over the yellow binder to you; correct?

3 **MR. HALL:** Bates page?

4 **MR. CALLAGHAN:** Let me -- I think we might
5 be in a different document. One second, please. Twenty-
6 seven forty-six (2746) is the next set of notes, and it's
7 646.

8 **MR. HALL:** Eight thirty-five (835)?

9 **MR. CALLAGHAN:** Six four six (646), I
10 believe.

11 **MR. HALL:** Yes.

12 **MR. CALLAGHAN:** But that again, it's Dunlop
13 turning him directly over to you; correct, as per the
14 arrangement?

15 **MR. HALL:** That's right.

16 **MR. CALLAGHAN:** All right.

17 And again, the yellow binder would not be
18 turned over to Cornwall because of the issue that they're
19 being investigated?

20 **MR. HALL:** Correct.

21 **MR. CALLAGHAN:** And then on the 16th of
22 October, if you go over a couple of pages to Bates page
23 950, you're reviewing the disclosure; right?

24 **MR. HALL:** Six five zero (650)?

25 **MR. CALLAGHAN:** Six five zero (650),

1 "Reviewed Dunlop disclosure" ---

2 MR. HALL: Yes.

3 MR. CALLAGHAN: --- just below the blackout.

4 MR. HALL: Yes.

5 MR. CALLAGHAN: All right.

6 And the next time things appear to heat up
7 is not until February '98. There are discussions with
8 Cornwall with respect to the area about -- it's about other
9 files, I should say, but that's the next time you meet with
10 Trew. But if we go to Bates page 697 in December, ---

11 MR. HALL: Yes.

12 MR. CALLAGHAN: --- you're having a
13 discussion with Dunlop directly; correct?

14 MR. HALL: Yes.

15 MR. CALLAGHAN: And what's that about? And
16 I'm not sure if that name is one that's blacked out. I
17 don't think it is.

18 MR. HALL: It's regarding a tape, Side 2.
19 There was nothing on it. He tells me Charles Bourgeois
20 looked after the tapes.

21 MR. CALLAGHAN: So were you going to -- and
22 so it's his lawyer that apparently has these tapes. Is
23 that it?

24 MR. HALL: Yes. This would have been a tape
25 he turned over to us, and when we played it there was

1 nothing on one side. We anticipated there was supposed to
2 be something on it.

3 **MR. CALLAGHAN:** All right.

4 And then on February 3rd, '98, if we go to
5 Rick Trew's note -- that's Bates page 373 -- he talks to
6 Inspector Smith and he just advises -- Smith advises him
7 about other charges, but there isn't an issue at this
8 stage, I gather, regarding documents? Documents seem to be
9 in order. Exhibit 733, Bates page 374.

10 **MR. HALL:** Yes, I agree.

11 **MR. CALLAGHAN:** All right.

12 And then if we go -- so again, it's sort of
13 quiet until we get to July, if I've got my notes correctly,
14 '98. And if you go over to Bates page 389 ---

15 **MR. HALL:** What document?

16 **MR. CALLAGHAN:** Trew's notes, Document 7 --
17 Exhibit 733. I'm at Bates page 389.

18 **MR. HALL:** Yes.

19 **MR. CALLAGHAN:** And they're referring to a
20 discussion that you're having regarding material about
21 Dunlop; correct?

22 **MR. HALL:** Yes, this is in regards to Mrs.
23 Dunlop's comments in the news media.

24 **MR. CALLAGHAN:** Right.

25 And that is referable to your own

1 discussions with the Dunlops; correct?

2 MR. HALL: Yes.

3 MR. CALLAGHAN: And if we go to Exhibit
4 2748, then it's at 898.

5 MR. HALL: Yes.

6 MR. CALLAGHAN: The date is July 23rd, '98.
7 So if you look up at the top, what you're doing is you're
8 reviewing Leroux's statements and Dunlop material. Do you
9 see that at the top?

10 MR. HALL: Yes.

11 MR. CALLAGHAN: Then you start to speak to
12 Trew and Smith. Do you see that?

13 MR. HALL: Yes.

14 MR. CALLAGHAN: And you ask at that point,
15 "Have you received all the notes?"

16 MR. HALL: Yes.

17 MR. CALLAGHAN: All right?

18 MR. HALL: All the binders.

19 MR. CALLAGHAN: And this is the whole issue
20 about the binders we talked about; correct?

21 MR. HALL: Yes.

22 MR. CALLAGHAN: And I take it things get
23 squared away, as far as you're concerned, eventually? That
24 you sort out that you had what you needed?

25 MR. HALL: Yes, and he disclosed further

1 binders to me on the 31st of July '98.

2 MR. CALLAGHAN: Okay. And then there was
3 the issue regarding speaking to the press of which there
4 was an order given; correct?

5 MR. HALL: Yes.

6 MR. CALLAGHAN: All right.

7 MR. HALL: And there was the issue of a
8 letter from him saying we had all his material.

9 MR. CALLAGHAN: Right.

10 And we saw those the other day. He never
11 signed them?

12 MR. HALL: No.

13 MR. CALLAGHAN: And he told you that he was
14 instructed not to sign them?

15 MR. HALL: Yes.

16 MR. CALLAGHAN: Is that what he told you?

17 MR. HALL: Yes.

18 MR. CALLAGHAN: And that was something you
19 asked of him?

20 MR. HALL: Yes.

21 MR. CALLAGHAN: And he then, on July 31st, if
22 we look at the notes of Trew at 391, that he -- Dunlop had
23 material to pick up for you, right?

24 MR. HALL: Yes.

25 MR. CALLAGHAN: And if you go to 904 on your

1 notes, ---

2 MR. HALL: Yes.

3 MR CALLAGHAN: And it talks about your
4 discussion with Trew and then it talks about you trying to
5 get a hold of Dunlop and then Dunlop provides you more
6 information. Correct?

7 MR. HALL: Correct.

8 MR CALLAGHAN: And I take it, during these
9 exchanges -- are you still of the belief at this stage that
10 he's trying to cooperate even though he's not signing your
11 document on presumably legal advice?

12 MR. HALL: Yeah, I believe he's cooperating.

13 MR CALLAGHAN: And then -- and every time
14 you get this, you're trying to assess from the information
15 you have that whether there is any outstanding disclosure;
16 right?

17 MR. HALL: Yes.

18 MR CALLAGHAN: And I take it, as you
19 indicated before, the difficulty was you could never tell
20 when you had everything because it wasn't clear on the face
21 that you didn't. Right? In other words, you tried to find
22 to see if you had everything; you looked at the material.

23 MR. HALL: Well, I guess the situation was
24 simply this. I didn't know what he had, so I had to rely
25 on what he gave me.

1 **MR CALLAGHAN:** Right. But it wasn't evident
2 to you, reading the material, that there was other stuff
3 available.

4 **MR. HALL:** Yes.

5 **MR CALLAGHAN:** Right. And you knew his duty
6 to disclose.

7 **MR. HALL:** Yes.

8 **MR CALLAGHAN:** And as far as you're aware,
9 he should have complied with that.

10 **MR. HALL:** Yes. He also mentioned on a few
11 occasions, "Put me on the stand," meaning the witness -- if
12 I started pushing him too hard, he was, "Put me on the
13 stand, I'll tell whoever wants to know."

14 **MR CALLAGHAN:** So he was pushing back in
15 terms of you exerting authority on him and ---

16 **MR. HALL:** I had no authority on him, but, I
17 mean, I was trying to get information from him, so I was
18 trying to cooperate with him. It wasn't until later on in
19 a phone call to Marleau that we kind of went downhill.

20 **MR CALLAGHAN:** Right. And then if you go on
21 to Bates page 913, you're going to Dunlop's house to see if
22 he'll sign the document; right?

23 **MR. HALL:** Yes, 11:45.

24 **THE COMMISSIONER:** Mr. Callaghan, how long
25 do you think you're going to be here?

1 **MR CALLAGHAN:** As I said, I thought I
2 indicated an hour and a half, which would be another 20
3 minutes which I think I'm going to make.

4 **THE COMMISSIONER:** Okay, well, let's try to
5 get you -- Mr. Sheriff-Scott?

6 **MR. SHERIFF-SCOTT:** Well, I was just going
7 to ask, Mr. Commissioner, how long you thought you intended
8 to sit tonight. There are several people ahead of me in
9 the queue who have indicated they're each going to be an
10 hour and I was wondering, in the circumstances, whether or
11 not you were going past 4:30 because I'm behind them in the
12 lineup.

13 **THE COMMISSIONER:** And you're thinking about
14 the weather?

15 **MR. SHERIFF-SCOTT:** Well, yes, I was
16 thinking about leaving earlier.

17 **THE COMMISSIONER:** Yeah. Okay.
18 Mr. Callaghan?

19 **MR. CALLAGHAN:** I'm fine if you wish me to
20 continue. I'd be happy to continue, if that's what you
21 wish. I'm happy -- I'll take a break. I'm not -- whether
22 I lose 10 minutes now, sir, it's not going to be make a
23 difference. If he'd like a break now and if the staff
24 needs a break ---

25 **THE COMMISSIONER:** Yeah, well, that's what

1 I'm --

2 MR CALLAGHAN: --- then let's be conscious

3 ---

4 THE COMMISSIONER: --- worried about is the
5 staff.

6 MR CALLAGHAN: --- of that, too.

7 THE COMMISSIONER: Yes. So, let's take a
8 break. Are you prepared to sit till 5:00 or so, sir,
9 today?

10 No, he's not. Okay.

11 THE REGISTRAR: Order; all rise. À l'ordre;
12 veuillez vous lever.

13 This hearing will resume at 3:25 p.m.

14 --- Upon recessing at 3:10 p.m./

15 L'audience est suspendue à 15h10

16 --- Upon resuming at 3:26 p.m./

17 L'audience est reprise à 15h26

18 THE REGISTRAR: Order; all rise. À l'ordre;
19 veuillez vous lever.

20 This hearing is now resumed. Please be seated.

21 Veuillez vous asseoir.

22 PATRICK HALL, Resumed/Sous le même serment:

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

24 CALLAGHAN (cont'd/suite):

25 MR CALLAGHAN: Mr. Commissioner, we're in

1 Exhibit 2749. I have asked the witness, he has it
2 available. That's the next set of notes.

3 Mr. Hall, I'm on Mr. Trew's notice as well
4 for the September 25th, '98. And you'll recall that Mr.
5 Dunlop advises that he has a tape that he wants to hand
6 over to you; correct? Do you recall that, in September
7 '98? That's the next event regarding disclosure.

8 **MR. HALL:** Do you have the Bates number,
9 please?

10 **MR CALLAGHAN:** I have Bates page for Trew's
11 notes at 398 and your notes at 961.

12 Okay?

13 **MR. HALL:** Yes.

14 **MR CALLAGHAN:** All right. So, if you go to
15 Trew's notes, there's this issue about the tape, told on a
16 Friday, I believe, it is, on the 25th of September, you're
17 advised about it, correct, at Bates page 961?

18 **MR. HALL:** Yes.

19 **MR CALLAGHAN:** So good communication as far
20 as you're concerned?

21 **MR. HALL:** Yes.

22 **MR CALLAGHAN:** And on the 28th, you'll see
23 that True reports:

24 "Received a call from Constable Dunlop
25 asking if he could reschedule his

1 Thursday night shift in order to see
2 Ident so as a tape mentioned on
3 September 25th could be copied. I
4 advised him I would check with the
5 uniform inspector and get back to him."

6 **MR. HALL:** Yes.

7 **MR CALLAGHAN:** "He has advised Dunlop
8 that arrangements had been made for him
9 to reschedule his Thursday nights. I
10 asked if he minded doing this and his
11 reply was no. He thanked me and we
12 ended our telephone conversation."

13 So there was a combination provided by Trew
14 so Dunlop could provide that disclosure of the tape to you;
15 correct?

16 **MR. HALL:** Yes.

17 **MR CALLAGHAN:** And you received that tape, I
18 take it, if you go over -- I believe, if I've got the
19 correct date, it's on -- it's at Bates page 967. And if
20 you go in between, you'll see that you called Dunlop on a
21 couple of occasions and looked for the tape; correct? That
22 would be ---

23 **MR. HALL:** Yes.

24 **MR CALLAGHAN:** Right?

25 **MR. HALL:** Yes.

1 **MR CALLAGHAN:** And then on 967, you're being
2 told you can get the tape and you do so at 15:48 on the
3 next page. And this deals with the Ron Leroux tape of
4 October -- December 1st, '96; correct?

5 **MR. HALL:** Yes.

6 **MR CALLAGHAN:** All right. So ---

7 **MR. HALL:** I had asked him about the signing
8 the memo as well. He replied ---

9 **MR CALLAGHAN:** What's that?

10 **MR. HALL:** I asked about signing his memo -
11 --

12 **MR CALLAGHAN:** Right.

13 **MR. HALL:** --- on the bottom of 967.

14 **MR CALLAGHAN:** Right. And again, he
15 refuses.

16 **MR. HALL:** Well, he replied, "Absolutely."

17 **MR CALLAGHAN:** Or, sorry, "Absolutely,"
18 sorry. I'm sorry, yes. And then you report back to --
19 then you report that on October, I believe it's 1st, he
20 refuses to sign?

21 **MR. HALL:** Yes.

22 **MR CALLAGHAN:** So he basically leads you on
23 and then says no, he's not going to; correct?

24 **MR. HALL:** Within a half-hour, yes.

25 **MR CALLAGHAN:** Right. And you report that

1 back to Inspector Trew.

2 MR. HALL: Yes.

3 MR CALLAGHAN: All right. And you'll find
4 -- just for the record, you'll find it in Bates page 400 of
5 Inspector Trew's notes and at Bates page -- I believe it's
6 968 of yours.

7 MR. HALL: Yes.

8 MR CALLAGHAN: And this Ron Leroux
9 videotape, again, you're not able to share the contents
10 with Cornwall, because that's where he does the video line
11 up and the allegations of the conspiracy; right?

12 MR. HALL: That's correct.

13 MR CALLAGHAN: And then there is, you have
14 further discussion with Dunlop, I take it, regarding
15 disclosure in November of 1998, at Bates page 991. And
16 this deals with both in part the Leroux tape and in part
17 the Marleau issue; right?

18 MR. HALL: Yes.

19 MR CALLAGHAN: And I take it, then, that you
20 raise this issue directly with the Crown attorney, this
21 difficulty you're having with respect to Dunlop on those
22 two issues and that's to Alain Godin?

23 MR. HALL: Yes.

24 MR CALLAGHAN: And if we could have Document
25 705349?

1 And while she gets that, you're aware that
2 during this time, Dunlop, who had earlier told you the
3 civil suit wasn't an issue, was telling you to contact his
4 new lawyer, John Morris; right?

5 **MR. HALL:** Yes.

6 **THE COMMISSIONER:** Thank you. Exhibit
7 Number 2839, Mr. Callaghan, is dated 17th of November 1998,
8 a letter addressed to monsieur Godin from Mr. Hall.

9 **---EXHIBIT NO./PIÈCE NO P-2839:**

10 (705349) - Letter from Pat Hall to Alain
11 Godin re: Perry & Helen Dunlop - Claude
12 Marleau dated 17 Nov 98

13 **MR CALLAGHAN:** Right. And this is him --
14 this is you talking about your various discussions in reply
15 to your telephone request of November 13th, '98 and your
16 subsequent telephone conversations of November 16th and
17 November 17th of the following "For your information". And
18 you set out the issues that you're concerned about; right?

19 **MR. HALL:** Yes.

20 **MR CALLAGHAN:** And ---

21 **MR. HALL:** Well, it was actually Mr. Godin's
22 question.

23 **MR CALLAGHAN:** Right, but you had contacted
24 Alain Godin for some assistance; right?

25 **MR. HALL:** Yes.

1 **MR CALLAGHAN:** How did you come to
2 contacting Alain Godin? Who told you?

3 **MR. HALL:** Well, he was prosecuting some of
4 the cases.

5 **MR CALLAGHAN:** All right. So he was one of
6 the prosecutors.

7 **MR. HALL:** Yes, right.

8 **MR CALLAGHAN:** So, and I take it, because it
9 dealt with disclosure, you didn't involve Cornwall, you
10 went directly to your prosecutor, because you're in the --
11 you're in that stage of the case; right?

12 **MR. HALL:** Yes, he prosecuted most of the
13 Marleau charges.

14 **MR. CALLAGHAN:** And I'm not as concerned
15 about Marleau, but it's of interest because that comes up
16 in the conversation that you have with Dunlop about Marleau
17 in some of the documents; right?

18 **MR. HALL:** Yes.

19 **MR. CALLAGHAN:** And then if you go onto the
20 third page of the letter, it says:

21 "I also mentioned an interview he had
22 videotaped with a victim where he had
23 the victim point out various
24 photographs, and it was obvious that
25 Dunlop had notes and was making notes.

1 Where were these notes? Dunlop became
2 agitated and said he would take the
3 stand and he didn't need us to cover
4 his ass. I reminded him that he was
5 not following what was agreed by
6 Inspector Trew, the OPP Detective Smith
7 not to interfere with the investigation
8 by contacting victims while the
9 investigation was ongoing."

10 Do you see that?

11 **MR. HALL:** Yes.

12 **MR. CALLAGHAN:** "And at that point, Dunlop
13 said don't call me anymore; call my
14 lawyer."

15 So you in turn spoke to the Crown?

16 **MR. HALL:** Yes.

17 **MR. CALLAGHAN:** And you say at the bottom:
18 "Hopefully, the foregoing helps to
19 explain the Dunlop situation. We will
20 await your direction regarding
21 disclosure."

22 Do you see that?

23 **MR. HALL:** Yes.

24 **MR. CALLAGHAN:** I find no response to this
25 letter. Was there one?

1 **MR. HALL:** I don't recall one.

2 **MR. CALLAGHAN:** All right.

3 And here you are; you're seeking advice on
4 disclosure issues by the Crown. Did you get any further
5 advice or was there any as far as you're aware from the
6 Crown?

7 I recognise you and Inspector Trew, you
8 would go to Inspector Trew when you had an issue and see if
9 you could resolve it, but did you get any more direction
10 from, say, Alain Godin?

11 **MR. HALL:** I don't believe so. I don't have
12 any recollection of getting any. I don't know of any
13 memos.

14 **MR. CALLAGHAN:** If we could go back to your
15 notes at 001?

16 And are you already there, sir?

17 **MR. HALL:** Yes.

18 **MR. CALLAGHAN:** This is, I believe, November
19 24th, 12:45:

20 "Discussion with Shelley Hallett on
21 Dunlop's notes."

22 Do you see that?

23 **MR. HALL:** Yes.

24 **MR. CALLAGHAN:** So you are also involving
25 Shelley Hallett?

1 MR. HALL: Yes.

2 MR. CALLAGHAN: Did you get much direction
3 from them?

4 And to be clear, I don't see any
5 communication back.

6 MR. HALL: This was -- not at that time, no.
7 No.

8 MR. CALLAGHAN: Right. There's no
9 communication back to the Cornwall Police, for example,
10 that this is what the Crowns are suggesting?

11 MR. HALL: No.

12 MR. CALLAGHAN: And then if we go to Bates
13 page 046 ---

14 MR. HALL: Yes.

15 MR. CALLAGHAN: --- again, this is the issue
16 that you raised with Trew about Dunlop and the Fifth
17 Estate?

18 MR. HALL: It's the CBC interview.

19 MR. CALLAGHAN: Right.

20 MR. HALL: And it takes -- actually, Dunlop
21 was asked to appear in Smiths Falls to give some
22 presentation. I believe him and his wife went, but I don't
23 think he said anything. I think Helen made some comments.

24 I'm talking about two things there really.
25 I'm talking about:

1 "Advised that CBC called about an
2 interview on the radio on Sunday. They
3 did not hear it, yet wanted comments
4 about same."

5 **MR. CALLAGHAN:** All right.

6 **MR. HALL:** I was doing an investigation on
7 it.

8 **MR. CALLAGHAN:** And if I -- and you
9 discussed at least part of that regarding the matter with
10 Inspector Trew.

11 And I wonder if, Madam Clerk -- my notes
12 seem to have misplaced me -- you could put up Exhibit 733,
13 Bates page 408?

14 And you'll note that -- I don't know if you
15 were at this meeting, but I take it you are aware that Trew
16 discusses with Smith whether the OPP would take any action
17 at that time. And you'll see:

18 "Inspector Smith, although concerned
19 with the allegations, would not be
20 taking any actions at this time."

21 Do you see that?

22 **MR. HALL:** Yes.

23 **MR. CALLAGHAN:** And that was -- and do you
24 share that view?

25 **MR. HALL:** Yes.

1 **MR. CALLAGHAN:** All right.

2 And if I could ask you -- if we could turn
3 up Exhibit 1316 -- that's enough, actually. That was a
4 meeting. I meant -- saving time, that was a meeting that
5 was also attended, as you recall, by Staff Sergeant
6 Derochie; correct?

7 **MR. HALL:** Yes.

8 **MR. CALLAGHAN:** All right.

9 And I was going to refer to his note, but I
10 won't for the sake of time. For the record, it's Exhibit
11 1316 at Bates 647.

12 And you are aware that Trew did, in fact,
13 speak to Dunlop about the media issue on April 7th, '97?
14 Are you aware of that?

15 **MR. HALL:** I'm aware of it, but I ---

16 **MR. CALLAGHAN:** But that's not a date that
17 you recall?

18 **MR. HALL:** No, not unless I had a note on
19 it.

20 **MR. CALLAGHAN:** Okay. Well, I'm not sure
21 it's important.

22 **MR. HALL:** No.

23 **MR. CALLAGHAN:** We've heard the testimony
24 from Inspector Trew.

25 Now, so that's '97. There doesn't appear to

1 be another disclosure issue come up -- and maybe you can
2 correct me, sir, but I don't see another disclosure issue
3 come up until Ptak's letter. So that's -- we're in April
4 '97 and Ptak's letter comes in the fall of '99.

5 Does that accord with your recollection?

6 **MR. HALL:** Which letter is that again?

7 **MR. CALLAGHAN:** In the Lalonde matter,
8 Ptak's letter, which is Exhibit ---

9 **MR. HALL:** The one from Claudette Wilhelm?

10 **MR. CALLAGHAN:** Well, yes ---

11 **MR. HALL:** Or from Constable Genier?

12 **MR. CALLAGHAN:** That would -- maybe that's
13 the way you recall it, but it's the letter from Ms. Ptak
14 that starts it, and it's in the Lalonde matter.

15 **MR. ENGELMANN:** Just to situate the witness,
16 I believe this is the fall of '99. This is the defence
17 counsel for Mr. Lalonde.

18 **MR. HALL:** Okay.

19 **MR. CALLAGHAN:** My point is, is that I don't
20 see a note -- and that's Exhibit 1409 for the record, which
21 is Ms. Ptak's letter to Claudette Wilhelm on September 29th,
22 1999. And this became an issue with respect to notes that
23 dealt with C-8 on September 11th, '96 and December 12th, '96;
24 correct?

25 **MR. HALL:** Yes.

1 **MR. CALLAGHAN:** Do you remember this in the
2 Lalonde issue?

3 **MR. HALL:** Yes, yes, I do.

4 **MR. CALLAGHAN:** And you'll recall that
5 Officer Genier was straddled with both the Project Truth
6 and the Lalonde matter; correct?

7 **MR. HALL:** Yes.

8 **MR. CALLAGHAN:** And that there was some
9 issue that these documents might have been in one of either
10 the Fantino binder or the Attorney General binder, right?

11 **MR. HALL:** Yes.

12 **MR. CALLAGHAN:** And that was an issue that
13 apparently didn't get picked up when it was looked at by
14 Genier in the Project Truth for the Lalonde matter, which
15 is what I think you said you would have expected?

16 **MR. HALL:** Yes. You mentioned the Attorney
17 General binder. That's -- it wasn't the Attorney General
18 binder. It was the Dunlop material.

19 **MR. CALLAGHAN:** It was the Dunlop material,
20 the yellow binder?

21 **MR. HALL:** Yes. We never received the
22 Attorney General binders.

23 **MR. CALLAGHAN:** All right.

24 But it was material that Project Truth had?

25 **MR. HALL:** Yes. Yes.

1 **MR. CALLAGHAN:** It wasn't -- now, if we
2 could move then -- because now, I take it you're dealing
3 with Staff Sergeant Derochie; right? By now ---

4 **MR. HALL:** Yes, I think by this time I
5 received a memo from Claudette Wilhelm asking me to
6 intervene in the Dunlop matter and we subsequently met with
7 Marc Garson and then subsequently Staff Sergeant Derochie
8 and ---

9 **MR. CALLAGHAN:** Right.

10 And to save yourself a little time there,
11 I'm going to cover some of those issues, but what I would
12 like you to have in front of you are Mr. Derochie's notes,
13 Exhibit 1325, and your notes, Exhibit 2751.

14 I'm told, Mr. Commissioner, I might have
15 misspoke about the dates as to when the gaps in dates
16 between disclosure issues. I think the record will be
17 clear, but I believe it's '98 to '99. I might have said
18 '97.

19 **THE COMMISSIONER:** M'hm.

20 **MR. CALLAGHAN:** It's being pointed out to
21 me.

22 And so what we want to do is just address
23 this issue.

24 So the issue comes up that there is this
25 disclosure issue and the Crowns are involved; correct?

1 It's not just you and Inspector Trew or you and Staff
2 Sergeant Derochie. This is being directed by Claudette
3 Wilhelm, for example?

4 MR. HALL: Yes, and Shelley Hallett is
5 involved to some degree there.

6 MR. CALLAGHAN: Right.

7 And the Crown wants all the notes that Mr.
8 Hall has, right -- or Mr. Dunlop has?

9 MR. HALL: Yes.

10 MR. CALLAGHAN: All right.

11 And if we take a look at Mr. -- Staff
12 Sergeant Derochie's notes at Bates page 304 ---

13 MR. HALL: What document, sir?

14 MR. CALLAGHAN: That's Exhibit 1325.

15 MR. HALL: I don't believe I have that.

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. HALL: Yes.

18 MR. CALLAGHAN: And so the Crown wants to
19 see all the notes disclosed by Dunlop to OPP; correct?
20 That was -- they were trying to find -- that's the Project
21 Truth officers, right?

22 MR. HALL: The question again?

23 MR. CALLAGHAN: Well, his note says:

24 "Project Truth officers on Amelia
25 Street. Crown wants to see all notes

1 disclosed by Dunlop to OPP."

2 Correct?

3 MR. HALL: Yes.

4 MR. CALLAGHAN: That's -- they want to get a
5 handle on what's been going on in the Project Truth cases;
6 correct?

7 MR. HALL: Yes.

8 MR. CALLAGHAN: All right.

9 And your notes at Bates page 260 ---

10 MR. HALL: Document number?

11 MR. CALLAGHAN: That is what the -- those
12 are your notes that I suggest you have in front of you,
13 which are Exhibit 2751.

14 MR. HALL: Bates page again? I'm sorry.

15 MR. CALLAGHAN: Two six zero (260).

16 MR. HALL: Two six zero (260).

17 MR. CALLAGHAN: And this is the day before.
18 This is October 3rd, I believe. I'm not sure. I can't read
19 because things have been blacked out.

20 But you're talking directly to Wilhelm who
21 is the Marcel Lalonde Crown, not the Project Truth Crown;
22 correct?

23 MR. HALL: That's right.

24 MR. CALLAGHAN: And she continually talks to
25 you and Genier; and you'll see at the bottom?

1 MR. HALL: Yes.

2 MR. CALLAGHAN: And in fact, on October 5th,
3 '99, at Exhibit 501, you receive that letter from Claudette
4 Wilhelm. Do you recall that letter, October 5th?

5 MR. HALL: Yes.

6 MR. CALLAGHAN: And if I understand your
7 evidence -- I won't take you to your notes, but you're
8 directed by your superiors not to get involved?

9 MR. HALL: Yes.

10 MR. CALLAGHAN: And yet this letter of
11 October 5th specifically requests by a Crown for you to do
12 something; correct?

13 MR. HALL: Yes.

14 MR. CALLAGHAN: Is it fairly unusual for you
15 to tell a Crown not -- that you won't do something they've
16 asked?

17 MR. HALL: Definitely unusual, but these
18 were different circumstances.

19 MR. CALLAGHAN: Well, who gave you the
20 instructions not to cooperate with the Crown or not to do
21 what the Crown asked you to do in the October 5th letter?

22 MR. HALL: Well, it would have come from my
23 director of the day, and that was further confirmed by
24 Crown Attorney Marc Garson when we met, and he basically
25 wrote a letter on it. His directions are contained in that

1 letter.

2 MR. CALLAGHAN: But ---

3 MR. HALL: That I not be involved.

4 MR. CALLAGHAN: Who was that, Edgar?

5 MR. HALL: No -- '99 -- I had five directors
6 in five years, so I'm trying to remember here who it was.

7 MR. CALLAGHAN: But it -- so you can't ---

8 MR. HALL: It would have come from Orillia.
9 I mean that was a decision made early on, before this issue
10 came up.

11 MR. CALLAGHAN: Well, why would that -- so
12 they made that decision when?

13 MR. HALL: That I wouldn't be investigating
14 Dunlop?

15 MR. CALLAGHAN: Well, this is asking you to
16 assist in dealing with Dunlop, not even to investigate him.
17 So I'm not -- who's making the decision that we want to
18 distance ourselves from Dunlop?

19 MR. HALL: That would have been made by
20 Detective Inspector Smith and Detective Superintendent
21 Larry Edgar.

22 MR. CALLAGHAN: Okay. So they're trying to
23 -- but obviously -- what I don't get is Dunlop is crucial
24 to your cases, not the Cornwall Police, but to your cases,
25 and I recognize you're being instructed not to deal with

1 him, right?

2 MR. HALL: No, I didn't say we were
3 instructed not to deal with him. I would deal with him in
4 regards to getting disclosure. I wasn't to investigate
5 him.

6 MR. CALLAGHAN: I'm sorry, but Claudette
7 Wilhelm's letter doesn't say investigate; just to inquire
8 into what he's been doing.

9 MR. HALL: Well, that could lead to an
10 investigation if I got embroiled in that.

11 MR. CALLAGHAN: So basically you've been
12 told by your superiors, "Hands off sort of inquiring into
13 Dunlop's activities. Just get disclosure." Is that what
14 you're being -- is that what your superiors told you?

15 MR. HALL: Well, it was "Get disclosure,
16 reinforce to him not to be contacting our victims." "Don't
17 go to the media," stuff we discussed that's outlined in
18 Inspector Trew's order to him.

19 MR. CALLAGHAN: All right.

20 Well, let me go on then. On October 6th,
21 '99, you talked to Staff Sergeant Derochie, and that can be
22 found in his notes at 310. And at this time, you'll see
23 that he originally refers to Claudette Wilhelm's memo,
24 which obviously you haven't got the instructions yet at
25 that time. I believe they come a little bit later in

1 respect of that.

2 But if you go over to 312 ---

3 **MR. HALL:** Yes.

4 **MR. CALLAGHAN:** --- the note -- and your
5 notes somewhat verify this. I think Mr. -- Staff Sergeant
6 Derochie has more detailed notes, which I think we've seen,
7 regrettably.

8 "I then asked Hall if he had any
9 knowledge with regards to Dunlop having
10 committed any criminal acts with
11 relation to Dunlop's involvement in the
12 issues being dealt with by Project
13 Truth. He told me he did not but that
14 I should talk to Crown Attorney Bob
15 Pelletier who had been involved in the
16 Charlie MacDonald prelim. He had no
17 direct knowledge but had heard that
18 there might be something. I asked if
19 he had not looked into what he had
20 heard to see if there was something
21 there. He informed me his superiors in
22 Orillia had told him that he had no
23 mandate to investigate Dunlop. If he
24 was involved in anything, it would come
25 out at trial and they could deal with

1 it then."

2 So was it -- at that point you're telling
3 Derochie that you don't know of any criminal activity of
4 Dunlop, right?

5 **MR. HALL:** I don't know of any evidence of
6 any, yes.

7 **MR. CALLAGHAN:** You don't know of any and
8 you're hearing rumours from Pelletier, right?

9 **MR. HALL:** Well, I heard rumours that -- it
10 could have been mentioned to me by Detective Inspector
11 Smith that there was some difficulties, I believe, in the
12 fall of '97 or maybe early '98 at court appearances in
13 Ottawa. I wasn't there, but ---

14 **MR. CALLAGHAN:** And then -- but you don't
15 know anything to assist from the case of -- from the
16 situation that would help Staff Sergeant Derochie ---

17 **MR. HALL:** Not at that time, no.

18 **MR. CALLAGHAN:** --- do his investigation?
19 All right.

20 Now, you'll see in the notes that Staff
21 Sergeant Derochie says:

22 "I believe that he may..."

23 "He" being Dunlop.

24 "...may have committed perjury and that
25 he was obstructing justice by not

1 making full an complete disclosure of
2 notes and other evidence."

3 Do you see that?

4 **MR. HALL:** Yes.

5 **MR. CALLAGHAN:** All right.

6 And you had discussed that with Staff
7 Sergeant Derochie, that that was his view?

8 **MR. HALL:** I wasn't completely familiar what
9 took place in the Marcel Lalonde case.

10 **MR. CALLAGHAN:** Right. But ---

11 **MR. HALL:** Until I received that memo from
12 Claudette Wilhelm in October, I really -- I knew from
13 Constable Genier there was an issue with disclosure. He
14 had requested me earlier that -- to contact Dunlop, which I
15 did, and read him what we had, and he was going to check to
16 see if there was anything further, but I couldn't say at
17 that particular time I had knowledge of perjury.

18 **MR. CALLAGHAN:** But my point is that nobody
19 knew that there had been non-disclosure until Ptak's
20 letter? There had been no issue that he might have said
21 something different on the stand as he had said in that
22 disclosure ---

23 **MR. HALL:** I don't disagree with that, yes.

24 **MR. CALLAGHAN:** Right.

25 And that was evident from the documents;

1 correct?

2 **THE COMMISSIONER:** Oh no -- I'm sorry.

3 **MR. CALLAGHAN:** In other words, Staff
4 Sergeant Derochie didn't need anything from you. There was
5 the transcript and then there was disclosure, right?

6 **MR. HALL:** Yes.

7 **MR. CALLAGHAN:** So he had all that?

8 **MR. HALL:** He was dealing with that, yes.

9 **MR. CALLAGHAN:** Then you go on to the next
10 page of Dunlop's notes -- or Dunlop -- pardon me, Staff
11 Sergeant Derochie's notes ---

12 **MR. HALL:** Page number?

13 **MR. CALLAGHAN:** Bates page 314.

14 **MR. HALL:** Yes.

15 **MR. CALLAGHAN:** And he said:

16 "I felt that I was duty-bound to
17 investigate and provide a brief to a Crown for an opinion.
18 I had no problem, should the Crown feel that there was a
19 legal foundation for delaying a prosecution, should there
20 be one, while at the same time meeting my and the Crown's
21 duty to the accused who may now or some time in the future
22 be before the courts; right?

23 **MR. HALL:** Yes.

24 **MR. CALLAGHAN:** All right. And, if you go
25 to the next page:

1 "Hall told me that he had no problem
2 with that, and that he would assist by
3 providing a will say and will approach
4 retired Inspector Smith on my behalf
5 concerning their involvement with
6 getting disclosure from Dunlop."

7 Do you see that?

8 **MR. HALL:** Yes.

9 **MR. CALLAGHAN:** And you then go and you
10 speak to Edgar, and he says, "No, you're not going to give
11 us the will say;" correct?

12 Am I correct?

13 **MR. HALL:** No, I don't believe he ---

14 **MR. CALLAGHAN:** Well, let's -- well, maybe I
15 can help you. If you go to Exhibit 2751, the Bates page
16 264.

17 **MR. HALL:** Two-six-four (264). Yes.

18 **MR. CALLAGHAN:** Well, if you go back two
19 pages to 262.

20 **MR. HALL:** Yes.

21 **MR. CALLAGHAN:** You'll see:

22 "Derochie asked if I had any evidence
23 on obstruct justice under the ..."

24 I don't know what that is.

25 "... and said, 'No, only what I

1 was -- told to me.'"

2 Do you see that?

3 **MR. HALL:** Yes.

4 **MR. CALLAGHAN:** All right. So that's the
5 discussion we just read in Derochie's notes; correct?

6 **MR. HALL:** Yes.

7 **MR. CALLAGHAN:** And then if you go over, and
8 at 264 it says:

9 "Call to Inspector Edgar and Grasman
10 ..."

11 Who is Grasman?

12 **MR. HALL:** Yes.

13 **MR. CALLAGHAN:** Who is that?

14 **MR. HALL:** Klancy Grasman is the deputy
15 director of Criminal Investigations.

16 **MR. CALLAGHAN:** "... on Project Truth and
17 Lalonde case. Memo for Wilhelm for
18 material. Should not do same."

19 **MR. HALL:** Yes.

20 **MR. CALLAGHAN:** "To interview" -- sorry:

21 "To interview Dunlop."

22 **MR. HALL:** Yes.

23 **MR. CALLAGHAN:** Did they not also tell you
24 not to give a statement? Like what happened to this will
25 state?

1 **MR. HALL:** The will say that I was going to
2 do?

3 **MR. CALLAGHAN:** Yes. You've told -- we've
4 got a note here, Derochie says you're going to give him a
5 will state; you don't end up giving a will state; do you?

6 **MR. HALL:** No, I said I could give him a
7 will state.

8 **MR. CALLAGHAN:** Couldn't?

9 **MR. HALL:** I could, but I never did.

10 **MR. CALLAGHAN:** Were you told not to, or
11 did ---

12 **MR. HALL:** No, it never -- I don't think it
13 ever -- he ever asked me, later on.

14 **MR. CALLAGHAN:** Oh, I see.

15 **MR. HALL:** I don't think he ever provided a
16 brief for investigation. I don't recall ever -- ever
17 putting anything in writing to him.

18 **MR. CALLAGHAN:** So, later on -- you'll agree
19 that later you're offered to do a will say and you were
20 told to wait, right?

21 **MR. HALL:** I ---

22 **MR. CALLAGHAN:** In 2001?

23 **MR. HALL:** The situation was, we were going
24 to do a -- well, you can call it a will say, or -- his
25 allegations, after our cases were concluded. That was the

1 agreement. That's -- that's what I was advised by my
2 director, "Wait until our -- our investigation is
3 concluded."

4 MR. CALLAGHAN: Well, that's what I'm trying
5 to get at. Here you're ---

6 MR. HALL: Yes.

7 MR. CALLAGHAN: Is that not what happened at
8 this time? Like you're still in the middle of the cases;
9 correct?

10 MR. HALL: Yes.

11 MR. CALLAGHAN: All right. Were you
12 prepared to -- did you have the ability to give a will say?

13 MR. HALL: Well, I could have, but it would
14 have been against my directions.

15 MR. CALLAGHAN: What's that?

16 MR. HALL: It would have been against
17 what ---

18 MR. CALLAGHAN: Right.

19 MR. HALL: --- my supervisors ---

20 MR. CALLAGHAN: That's what I'm trying to
21 tell you.

22 MR. HALL: --- were telling me. I mean ---

23 MR. CALLAGHAN: Yes. You had directions not
24 to at this stage?

25 MR. HALL: Yes, correct.

1 MR. CALLAGHAN: All right. And you didn't?

2 MR. HALL: I didn't.

3 MR. CALLAGHAN: All right. And you're aware
4 that the issues that you raised, or that were raised in
5 terms of Pelletier's supposed comments, and the issues that
6 Staff Sergeant Derochie was able to uncover ---

7 MR. HALL: M'hm.

8 MR. CALLAGHAN: --- on the perjury, was sent
9 up to Ottawa, eventually, in January of 2000; right?

10 MR. HALL: Yes.

11 MR. CALLAGHAN: All right. So Cornwall
12 police did act on what they thought -- on the information
13 they had on what they thought might be criminal activity;
14 correct?

15 MR. HALL: And I also was interviewed by the
16 Ottawa officers.

17 MR. CALLAGHAN: Right. I'm not saying that,
18 I'm just saying ---

19 MR. HALL: No, well, that ---

20 MR. CALLAGHAN: --- that we did -- people
21 say they didn't act; we did act?

22 MR. HALL: That's right.

23 MR. CALLAGHAN: Right.

24 MR. HALL: But it may not have been
25 appropriate for me to give them a will say statement on an

1 investigation they were going to ask an outside agency to
2 do. I would wait until their investigators ---

3 MR. CALLAGHAN: Okay.

4 MR. HALL: --- came.

5 MR. CALLAGHAN: All right, fair enough. So
6 you cooperated and you gave a statement to Ottawa?

7 MR. HALL: Yes.

8 MR. CALLAGHAN: All right. So then, if we
9 go on to Exhibit 2752, there is this issue -- and I just
10 need to clear this up.

11 There is supposed to be a meeting with
12 Garson and Staff Sergeant Derochie; correct?

13 MR. HALL: Yes. Page?

14 MR. CALLAGHAN: Well, if you look at Exhibit
15 2752, Bates page 277?

16 MR. HALL: Two-seven-seven (277). Yes?

17 MR. CALLAGHAN: The date, I believe, is 13th
18 of October '99?

19 MR. HALL: Yes.

20 MR. CALLAGHAN: Now and just to help you
21 out, there is a note -- Staff Sergeant Derochie has a note
22 that on October 8th, he's told "The meeting is going to be
23 on October 14th, for him to meet Garson."

24 So that was the date of the meeting, October
25 14th, and it gets moved up a day; correct?

1 **MR. HALL:** Well, I was advised the 13th, and
2 I placed a call to Staff Sergeant Derochie, and he -- he
3 couldn't make the meeting.

4 **MR. CALLAGHAN:** All right. Well, let's be
5 clear about why he couldn't make the meeting.

6 "Kevin Malloy said that Derochie had
7 chest pains last Wednesday night and
8 went to the hospital, also his mother
9 died on the weekend. Didn't know that
10 meeting was changed to this date.
11 Wanted to know if he should come in
12 person."

13 And I think that is Malloy.

14 But you went to the meeting with Garson,
15 even though Staff Sergeant Derochie was thinking it's the
16 next day, isn't advised of the change; correct?

17 **MR. HALL:** Yes. I didn't -- I didn't
18 arrange the meeting and Garson was from London.

19 **MR. CALLAGHAN:** Right. What I don't
20 understand is, why would Garson want to meet with you when
21 you're not actually, supposedly, going to do anything?

22 **MR. HALL:** Well, he -- he's addressing -- at
23 that point, we're addressing the memo from Claudette
24 Wilhelm, as to whether I should be involved or not. That
25 issue was discussed with Mr. Garson.

1 **MR. CALLAGHAN:** But you also talk -- if you
2 see your notes over the next page, at 279, you're talking
3 about the Cornwall police involvement, et cetera, et
4 cetera.

5 So you talk about more than that; right? In
6 fact, you ---

7 **MR. HALL:** Yes.

8 **MR. CALLAGHAN:** --- you talk about the fact
9 that the Cornwall police shouldn't actually do the
10 investigation, which was Mr. Garson's view; correct?

11 **MR. HALL:** That's right.

12 **MR. CALLAGHAN:** All right.

13 **MR. HALL:** I also believe I directed a memo
14 back to Claudette Wilhelm, dated the 28th of October '99,
15 outlining the results of the meeting with Garson.

16 **MR. CALLAGHAN:** Right. And you are aware
17 that Garry Derochie was advised by Garson, in his meeting
18 on October 29th -- and you'll see this at his Bates page
19 321 -- and, actually, if you go over to 322, is where the
20 content is -- and he says:

21 "One, as you say ..."

22 If you look in the middle of the page:

23 "... Garson told me that in his opinion
24 any such investigation should be done
25 by an outside agency."

1 Which is what he told you; correct?

2 MR. HALL: Yes.

3 MR. CALLAGHAN: Over the next page:

4 "Does not believe CPS should undertake
5 any inquiries other than disclosure
6 issues as they relate to the law."

7 MR. HALL: Yes.

8 MR. CALLAGHAN: Do you see that?

9 "He is troubled by the fact that issues
10 also impact Project Truth."

11 So the Crown is telling CPS, "you can deal
12 with the Lalonde issues, but you're not to deal with
13 Project Truth;" correct? That was your understanding?

14 MR. HALL: Yes, I would -- I wouldn't
15 disagree with that.

16 MR. CALLAGHAN: All right. And the letter
17 that went off to Ottawa police dealt with the perjury in
18 the Lalonde case; correct?

19 MR. HALL: Well, I ---

20 MR. CALLAGHAN: In other words, he told ---

21 MR. HALL: Could I ---

22 MR. CALLAGHAN: --- everybody ---

23 MR. HALL: Could I see the letter?

24 MR. CALLAGHAN: --- that he needed

25 disclosure ---

1 **MR. HALL:** Could I see the letter?

2 **MR. CALLAGHAN:** You may see the letter if I
3 can put my finger on it. It's in 2000. I believe it's
4 Exhibit 1328.

5 The Doc. Number is, if I've got it
6 correctly, Mr. Commissioner, 731830.

7 So, here's the letter, it's in January 2000.
8 And he says, he's writing about two issues. One:

9 "The first matter involves the apparent
10 inconsistencies between the testimony
11 of P.C. Dunlop at a preliminary hearing
12 held in Cornwall in January '98, and
13 written material which was subsequently
14 disclosed to the Crown attorney."

15 The January, '98, is the Lalonde prelim;
16 correct?

17 **MR. HALL:** Yes.

18 **MR. CALLAGHAN:** "And the second matter
19 relates to information received from
20 OPP Inspector Hall, lead investigator
21 for Project Truth. It is his
22 information that Ottawa Crown attorney
23 Pelletier has concerns relative to P.C.
24 Dunlop's conduct at a preliminary
25 hearing which was held in late '97 or

1 early '98."

2 Do you see that?

3 **MR. HALL:** Yes.

4 **MR. CALLAGHAN:** All right. So those are the
5 issues he's asked -- he sends up to Ottawa, what you'd said
6 about Pelletier, which is all they had, and what they were
7 able to figure out reading the transcripts; correct?

8 **MR. HALL:** Yes.

9 **MR. CALLAGHAN:** All right. And we
10 don't -- and you know that they investigated, and all that
11 happened there. I won't go into it, but that then allowed
12 the Project Truth issue and for the disclosure issue for
13 both Project Truth and particularly for the Marcel Lalonde,
14 the decision was made and it was consulted with Claudette
15 Wilhelm, Garson, Shelley Hallett and, you may not know
16 this, but outside counsel Linda Bordeleau, that there would
17 be an order done to compel Dunlop and take him off duty and
18 make him do the disclosure; correct?

19 **MR. HALL:** I knew there was an order, but I
20 -- I'm not aware of what you just said.

21 **MR CALLAGHAN:** Well, you're aware,
22 obviously, it's in your brief, that Claudette -- that
23 Shelley Hallett, who, in Exhibit 2807 -- we don't
24 necessarily go there, but there is a letter of December
25 14th, '99 and January 14th, 2000 ---

1 MR. HALL: Yes.

2 MR CALLAGHAN: --- that you asked -- so you
3 knew Shelley Hallett ---

4 MR. HALL: Yeah.

5 MR CALLAGHAN: -- was involved.

6 MR. HALL: Yeah.

7 MR CALLAGHAN: And you knew Claudette
8 Wilhelm was involved.

9 MR. HALL: Yes.

10 MR CALLAGHAN: And you knew Garson was
11 involved.

12 MR. HALL: Yes.

13 MR CALLAGHAN: Right? And they were all
14 involved in dealing with this issue; correct?

15 MR. HALL: Yes.

16 MR CALLAGHAN: And when the disclosure was
17 brought, the disclosure came to the Cornwall police and
18 Shelley Hallett made the decision that it should be taken
19 in possession of the Project Truth; correct?

20 MR. HALL: Yes.

21 MR CALLAGHAN: And she went with Genier and
22 retrieved it from the Cornwall police; correct?

23 MR. HALL: Yes. Along with Dupuis.

24 MR CALLAGHAN: Right. And ---

25 MR. HALL: Well, she went over to see, it

1 was my understanding, and she brought it back.

2 **MR CALLAGHAN:** You'd indicated that, that
3 somehow René Desrosiers was supposed to review the
4 documents with respect to Project Truth with Genier, or was
5 he to review it for Lalonde and Genier was to review it for
6 Project Truth?

7 **MR. HALL:** Well, Desrosiers would be
8 reviewing it for his case ---

9 **MR CALLAGHAN:** Right.

10 **MR. HALL:** --- Marcel Lalonde. And Genier
11 would be reviewing it for his involvement in Marcel Lalonde
12 as well as Project Truth.

13 **MR CALLAGHAN:** Right.

14 **MR. HALL:** I think his notes reflect that,
15 his -- what he was doing.

16 **MR CALLAGHAN:** Right. And so my point is,
17 is that -- is that, I mean, just so -- the record might
18 have been unclear. Desrosiers was there so as to review it
19 for the Lalonde case and Genier was your person on Project
20 Truth; correct?

21 **MR. HALL:** Yes.

22 **MR CALLAGHAN:** All right And just to be
23 clear, there were documents of importance in the
24 disclosure. And I'm going to put them to you, because they
25 should be in the record, and if -- as to what came out of

1 this disclosure that you previously did not have.

2 And I think, Madam, Commissioner, maybe we
3 can just put these on the screen, because they come in
4 different -- various different lights and perhaps if the
5 witness can verify that they are, and maybe that'll save
6 the time of trying to get the binders, because they're in
7 various spots. Okay? If that's agreeable, Mr.
8 Commissioner?

9 **THE COMMISSIONER:** Sure.

10 **MR CALLAGHAN:** Exhibit 563.

11 Exhibit -- I have Document 719538,
12 Exhibit 563, 719538.

13 All right, so what this is, if you'll see,
14 this is a statement by Ron Leroux, and if you go to the
15 last page, which is -- you'll see that it is the statement
16 signed October 10th, '96. So that came out of the
17 subsequent Dunlop disclosure; correct?

18 **MR. HALL:** For another time, yes. We
19 already had it, I believe, in the --

20 **MR CALLAGHAN:** Are you sure about that? The
21 October 10th, '96, where they talk about the Highland Games
22 and the clan?

23 **MR. HALL:** Without checking the binder, I
24 can't tell you exactly if we did or not.

25 **MR CALLAGHAN:** Well, I'm going to suggest

1 you didn't.

2 **MR. HALL:** There's a pile of material there.

3 **MR CALLAGHAN:** We'll check, because I --
4 sorry?

5 **MR. HALL:** There was a pile of material.

6 **MR CALLAGHAN:** Okay, let's go to -- and
7 that's an important document. Because that's the first
8 statement that Leroux gives, and it talks, for example,
9 about the clan of Highland Games guys and not a clan of
10 pedophiles. Right?

11 **MR. HALL:** Yes. But maybe to clarify it, if
12 I could see Constable Genier's report on what was new and
13 what wasn't. He did an inventory of the boxes and that
14 indicates --

15 **MR CALLAGHAN:** We have that -- if we have
16 that already -- I was told we didn't have it, to the actual
17 ---

18 **MR. HALL:** Well, I've seen it here already
19 someplace, I think. Or I at least read about it in my
20 review for this Inquiry, so I know it exists.

21 **MR. ENGELMANN:** I would have asked Mr. Hall
22 some questions on that ---

23 **MR CALLAGHAN:** Well, I ---

24 **MR. HALL:** Yes.

25 **MR CALLAGHAN:** Maybe we can get an agreement

1 as to what is in and not, just so that we're clear as to
2 what was new.

3 MR. HALL: Well, if you're going to ask me
4 what was in and what wasn't, I need to see the document. I
5 can't recall.

6 THE COMMISSIONER: He wants to see the
7 document.

8 MR CALLAGHAN: And I don't have the document
9 number.

10 I now have the document number, sir. It's
11 ... You're going to have to -- I'm sorry, it's
12 Exhibit 1725?

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. HALL: Yes.

15 MR CALLAGHAN: Are you able to tell whether
16 that document was a --- and I don't want to belabour this,
17 I just think we need to get in exactly what is new and
18 what's not.

19 MR. HALL: Well, on page 2, Bates 223 ---

20 MR CALLAGHAN: Right.

21 MR. HALL: --- he outlines the content of
22 the boxes. At the end of it, he says, "No new material."

23 MR CALLAGHAN: So, is he suggesting there
24 are no new materials relevant to this? Because I
25 understood when I looked at the other two, going back to

1 the Fantino and the yellow Duotang, that this was not --
2 that the documents I'm about to show you weren't included.

3 **MR. HALL:** Well, I only can reply on what I
4 read here, because he was doing the review, I wasn't, and
5 he made a report on it and I have to take his word for
6 what's in his report.

7 **MR CALLAGHAN:** Well, let's -- let me show
8 you Exhibit 679. You don't have any independent
9 recollection of what was in or not.

10 **MR. HALL:** No. No.

11 **MR CALLAGHAN:** That's fine. Let's ---

12 **MR. HALL:** I mean, I'm the supervisor, I
13 wasn't doing that.

14 **MR CALLAGHAN:** That's fine. Well, then,
15 we'll -- perhaps, Mr. Commissioner, I can work with
16 Commission Counsel, so we can have clarity, if that's
17 acceptable?

18 **THE COMMISSIONER:** Sure.

19 **MR CALLAGHAN:** I do want to refer you to one
20 other matter. There was a document that -- Exhibit 2740.

21 And this is a handwritten note. And while
22 it's brought up, there were essentially, as we talked
23 about, Charles Bourgeois, Perry Dunlop and Carson Chisholm
24 involved in this sort of investigation; correct?

25 **MR. HALL:** Yes.

1 **MR CALLAGHAN:** And there was also Helen
2 Dunlop, who was very close to, obviously, her brother and
3 her husband?

4 **MR. HALL:** Yes.

5 **MR CALLAGHAN:** And they worked, as far as
6 you could defer, they worked as a team, as you could tell?

7 **MR. HALL:** It would appear that way.

8 **MR CALLAGHAN:** All right. And this is a
9 document where the testimony so far is, is that it came --
10 it came to light in 2004. These are notes that Helen
11 Dunlop is alleged to -- Helen Dunlop has made and they were
12 retrieved from Carson Chisholm.

13 And they deal with an attendance in Maine
14 before the October 31st statement where they purport to
15 relay what Ron Leroux has been telling Charles Bourgeois
16 and Perry Dunlop. Are you familiar with the document
17 somewhat?

18 **MR. HALL:** Not really. This is from the '94
19 investigation?

20 **MR CALLAGHAN:** No, it's 2004, I believe the
21 evidence is. Is that after your time?

22 **MR. HALL:** Well, I turned in my equipment in
23 October of 2003.

24 **MR CALLAGHAN:** All right. So you've never
25 seen this document?

1 **MR. HALL:** I may have seen it in disclosure
2 here in the last couple of weeks, but other than that, I've
3 never seen it.

4 **MR CALLAGHAN:** Okay. Well, let me just take
5 you, then, to Exhibit 713. This is an interview of Carson
6 Chisholm. Keep in mind, the testimony is this document was
7 produced to an OPP officer in 2004 by Carson Chisholm. It
8 is the handwriting of Helen Dunlop.

9 It's reflective of a meeting that Charles
10 Bourgeois and Perry Dunlop have with Ron Leroux in October
11 30th, 2000. It is not in the -- I can tell you for certain
12 that this isn't in the Dunlop boxes. So, if we look at --
13 you interview Carson Chisholm ---

14 **MR. HALL:** Yes.

15 **MR CALLAGHAN:** --- in July 19th, 2001; right?

16 **MR. HALL:** Yes.

17 **MR CALLAGHAN:** And if we go over to Bates
18 page 000. Okay. And if you blow it up in the middle?

19 Bates page 000. It's the sixth page in.

20 Okay?

21 **MR. HALL:** Yes.

22 **MR. CALLAGHAN:** All right.

23 Is that 000? Maybe you need to go up? I'm
24 not sure you're on the right page, next page, Madam
25 Reporter. Okay.

1 "Did you" -- reading, you interviewed:
2 "Did you take part in any interview of
3 alleged victims?
4 Chisholm: Yeah.
5 Hall: Okay. Who did you interview, do
6 you recall?
7 Chisholm: Well, Ron Leroux was one.
8 Hall: Ron Leroux was one?
9 Chisholm: Oh yeah, I can't. I gave
10 these interviews and information to
11 Perry Dunlop. I didn't keep files or
12 track of that stuff."

13 Do you see that?

14 **MR. HALL:** Yes.

15 **MR. CALLAGHAN:** Were you led to believe by
16 Carson Chisholm that he had no relevant documents by that
17 answer, that he'd given his stuff to Perry Dunlop?

18 **MR. HALL:** Well, that's what he was telling
19 me, yes.

20 **MR. CALLAGHAN:** All right. Would it
21 surprise you to know that he actually had this document
22 which is the meeting prior to the swear-in of the October
23 31st affidavit by Ron Leroux which made the allegations of
24 the clan of pedophiles?

25 **MR. HALL:** Was I aware he had it?

1 **MR. CALLAGHAN:** That's where he had it.

2 **MR. HALL:** I wasn't aware of that, no.

3 **MR. CALLAGHAN:** Were you surprised that he
4 had it, given his answers to you?

5 **MR. HALL:** Well, if he had it, he lied to me
6 in his answers.

7 **MR. CALLAGHAN:** And finally, if I could then
8 take you to -- this is to deal with finalize that issue
9 that we were talking about.

10 You had discussions with Staff Sergeant
11 Derochie and you had given him an indication at times that
12 you would give him a list of issues to investigate.

13 Now if I could show you to Exhibit 1739.
14 You can just put it on the screen, Bates page 132.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. CALLAGHAN:** One-three-two (132).

17 If it's easier I can give you another
18 exhibit, 1411, just to speed this up.

19 This is a memo that -- I was going to show
20 you Staff Sergeant Derochie's notes, but it says this is a
21 note that Staff Sergeant Derochie does to Chief Repa.

22 "Yesterday," that would be the 23rd of July, 2002, which is
23 the Bates to which I just referred:

24 "I had a telephone conversation with
25 OPP Inspector Pat Hall. He informed me

1 that he would be presenting me with a
2 list of incidents involving Dunlop
3 which occurred within our
4 jurisdiction."

5 Okay?

6 **MR. HALL:** Yes.

7 **MR. CALLAGHAN:** So that was -- and it was
8 your intent at that time to do such a list?

9 **MR. HALL:** Well, he had already been
10 apprised of everything that I was -- what this would have
11 been, is me putting it in writing ---

12 **MR. CALLAGHAN:** I understand.

13 **MR. HALL:** --- on our letterhead.

14 **MR. CALLAGHAN:** Right, because they wanted
15 to be able to act on something official; correct?

16 **MR. HALL:** Exactly.

17 **MR. CALLAGHAN:** All right, so let's go to
18 the next document.

19 **THE COMMISSIONER:** Just a minute. Didn't we
20 just cover that, at no time did the OPP give to the
21 Cornwall police ---

22 **MR. CALLAGHAN:** Yeah, we're getting there,
23 sir. They didn't.

24 **THE COMMISSIONER:** They did not?

25 **MR. CALLAGHAN:** They did not.

1 **THE COMMISSIONER:** Oh, okay.

2 **MR. CALLAGHAN:** So if Exhibit 1382 ---

3 **THE COMMISSIONER:** Well, just -- I've got
4 here:

5 "Yesterday as well, I received from
6 Detective Constable Joe Dupuis the
7 binders prepared by Dunlop which have
8 come to be known as the Fantino
9 briefs."

10 **MR. CALLAGHAN:** Right, so we in the end get
11 the documents back. We end up with everything. In fact
12 there are, as I've told your Commission counsel, we have
13 them in our office. They all come back to the Cornwall
14 police in the end. After they are all done with them; we
15 get them back.

16 **THE COMMISSIONER:** Okay.

17 **MR. CALLAGHAN:** Including the nine Bankers
18 boxes.

19 **THE COMMISSIONER:** Okay.

20 **MR. HALL:** I returned them.

21 **MR. CALLAGHAN:** Thank you.

22 Exhibit 1382.

23 All right, so now we're getting close to
24 your retirement; right?

25 **MR. HALL:** I certainly am, but I'm not

1 really retired yet, not until I leave here.

2 **MR. CALLAGHAN:** You'll see that, if you read
3 that you'll see that Staff Sergeant Derochie is again
4 talking to Chief Repa about conversations he had with you
5 and that you're both waiting for directions from Crowns;
6 right? He's waiting for a direction from a Crown and
7 you're waiting for a direction from a Crown as to what to
8 do because you want to deal with the C-8 matter?

9 **MR. HALL:** Yes.

10 **MR. CALLAGHAN:** And then it says:

11 "Inspector Hall speculated to me that
12 it may be that the Crown is not
13 prepared to deal with this issue
14 surrounding C-8, Dunlop, until such
15 time as the Leduc matter has been
16 decided.

17 You will also recall that the Leduc
18 matter is awaiting the decision as to
19 whether or not it will be appealed.

20 Politics appears to be playing a role
21 to some degree, with the end result
22 being a lack of enthusiasm, part of the
23 Crown's office to deal with these
24 matters.

25 Inspector Hall has informed me that he

1 is similarly awaiting a decision from
2 the Crown concerning a complaint
3 brought forward by the Leduc defence
4 against the Project Truth website
5 operated by Dick Nadeau.

6 I informed Inspector Hall that we were
7 anxious to have this whole matter
8 brought to closure and with that in
9 mind that you had directed that things
10 be put in motion. The inspector's
11 aware of our frustration for they
12 reflected his own. He suggests that we
13 follow the course of action which he
14 and I spoke of later, and I had
15 consulted McConnery on this matter last
16 year, that is to put the ball in the
17 Crown's court."

18 Now I take it that that reflected some of
19 your frustration that you thought that politics were being
20 played in the Crown's office to get the Dunlop and C-8
21 matter dealt with?

22 **MR. HALL:** Well, it was certainly a delay,
23 whether it was politics or not, I don't know.

24 **MR. CALLAGHAN:** Okay. Last document,
25 Exhibit 1383. Sorry 1380--yes, that's right. If you look

1 at the second paragraph, last question.

2 "The inspector informed me" and again this
3 is him speaking to you, the inspector being Pat Hall:

4 "... informed me that he had started
5 putting a report together, however was
6 not prepared at this time to submit
7 anything to me. He explained that he
8 is waiting to see what will happen in
9 the Leduc matter."

10 Okay?

11 **MR. HALL:** Yes.

12 **MR. CALLAGHAN:** So that's the way it was
13 left, as between you and Derochie; correct?

14 **MR. HALL:** Yes. I believe there's further
15 memos from your Chief to James Stewart.

16 **MR. CALLAGHAN:** Right, I understand that.
17 But we've talked to the Chief about that and we're going to
18 talk to Jim Stewart about that if he shows, but with
19 respect to your dealings with Staff Sergeant Derochie,
20 that's how it was left, you went to Texas, you retired?
21 Correct? After September 2003?

22 **MR. HALL:** Yes.

23 **MR. CALLAGHAN:** Thank you for your patience
24 sir.

25 **MR. HALL:** Thank you.

1 **THE COMMISSIONER:** Thank you.

2 Well, who is supposed to be next?

3 **MR. KLOEZE:** I think I am next on the list,
4 sir.

5 **THE COMMISSIONER:** Six minutes, might as
6 well call it a day.

7 Nine o'clock (9:00) tomorrow morning,
8 please.

9 **THE REGISTRAR:** Order, all rise. À l'ordre,
10 veuillez vous lever.

11 This hearing is adjourned until tomorrow
12 morning at 9:00 a.m.

13 --- Upon adjourning at 4:21 p.m. /

14 L'audience est ajournée à 16h21

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM